2022

CUMULATIVE SUPPLEMENT

TO

MISSISSIPPI CODE

1972 ANNOTATED

Issued September 2022

CONTAINING PERMANENT PUBLIC STATUTES OF MISSISSIPPI
ENACTED THROUGH THE 2022 REGULAR SESSION

PUBLISHED BY AUTHORITY OF
THE LEGISLATURE

SUPPLEMENTING

Volume 10

Titles 35 to 37 (Chapters 1 to 35)

(As Revised 2019)

For latest statutes or assistance call 1-800-833-9844

By the Editorial Staff of the Publisher

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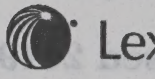

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User's Guide

In order to assist both the legal profession and the layman in obtaining the maximum benefit from the Mississippi Code of 1972 Annotated, a User's Guide has been included in the main volume. This guide contains comments and information on the many features found within the Code intended to increase the usefulness of the Code to the user.

PUBLISHER'S FOREWORD

Statutes

The 2022 Supplement to the Mississippi Code of 1972 Annotated reflects the statute law of Mississippi as amended by the Mississippi Legislature through the end of the 2022 Regular Legislative Session.

Annotations

Case annotations are included based on decisions of the State and federal courts in cases arising in Mississippi. Annotations to collateral research references are also included.

To better serve our customers by making our annotations more current, LexisNexis has changed the sources that are read to create annotations for this publication. Rather than waiting for cases to appear in printed reporters, we now read court decisions as they are released by the courts. A consequence of this more current reading of cases, as they are posted online on LexisNexis, is that the most recent cases annotated may not yet have print reporter citations. These will be provided, as they become available, through later publications.

This publication contains annotations taken from decisions of the Mississippi Supreme Court and the Court of Appeals and decisions of the appropriate federal courts. These cases will be printed in the following reporters:

Southern Reporter, 3rd Series
United States Supreme Court Reports
Supreme Court Reporter
United States Supreme Court Reports, Lawyers' Edition, 2nd Series
Federal Reporter, 4th Series
Federal Supplement, 3rd Series
Federal Rules Decisions
Bankruptcy Reporter

Additionally, annotations have been taken from the following sources:

American Law Reports, 6th Series
American Law Reports, Federal 2nd
Mississippi College Law Review
Mississippi Law Journal

Finally, published opinions of the Attorney General and opinions of the Ethics Commission have been examined for annotations.

Amendment Notes

Amendment notes detail how the new legislation affects existing sections.

Editor's Notes

Editor's notes summarize subject matter and legislative history of repealed sections, provide information as to portions of legislative acts that have not been codified, or explain other pertinent information.

Joint Legislative Committee Notes

Joint Legislative Committee notes explain codification decisions and corrections of Code errors made by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation.

Tables

The Statutory Tables volume adds tables showing disposition of legislative acts through the 2022 Regular Session.

Index

The comprehensive Index to the Mississippi Code of 1972 Annotated is replaced annually, and we welcome customer suggestions. The foreword to the Index explains our indexing principles, suggests guidelines for successful index research, and provides methods for contacting indexers.

Acknowledgements

The publisher wishes to acknowledge the cooperation and assistance rendered by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation, as well as the offices of the Attorney General and Secretary of State, in the preparation of this supplement.

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September 2022 LexisNexis

SCHEDULE OF NEW SECTIONS

Added in this Supplement

TITLE 35. War Veterans and Pensions

CHAPTER 3. Military Veterans; Miscellaneous Provisions

SEC.

35-3-31. Mississippi Veterans Honor Medal Program created.

TITLE 37. Education

CHAPTER 7. School Districts; Boards of Trustees of School Districts

ARTICLE 7. BOARDS OF TRUSTEES; GENERAL POWERS AND DUTIES.

37-7-315.1. Consolidation of system of high schools in Tate County; closure of Coldwater High School [For contingent effective date, see Editor's Note].

CHAPTER 11. General Provisions Pertaining to Education

37-11-77. Public school students to have equal opportunity to engage in partisan or nonpartisan activities or expressions, and have equal access to school facilities, before, during and after the school day.

37-11-79. Denial of equal access to or discrimination against students wishing to conduct meetings within limited open forum on the basis of political, philosophical or ideological content prohibited; authority of school to maintain order, protect students, and assure attendance at meetings is voluntary.

CHAPTER 13. Curriculum; School Year and Attendance

37-13-2. Compelling or directing students to affirm the inherent superiority or inferiority of, or that individuals should be adversely treated on the basis of, sex, race, ethnicity, religion or national origin by public institutions of higher learning, community or junior colleges, school districts, or charter schools prohibited; distinguishing or classifying students based on race prohibited.

MISSISSIPPI COMPUTER SCIENCE AND CYBER EDUCATION EQUALITY ACT

37-13-201. Short title.

37-13-203. Legislative findings.

37-13-205. Definitions.

37-13-207. K-12 computer science curriculum; subjects of instruction; implementation.

37-13-209. Review of district-submitted courses by Department of Education.

37-13-211. Annual training for teachers, counselors and administrators; report of strategic plan for statewide computer science education initiatives; annual report listing schools in each district teaching computer science and number of computer science teachers trained in each district.

37-13-213. Identification of preservice teacher preparation programs to allow for certification in computer science field.

CHAPTER 29. Junior Colleges

37-29-321. 2022 Community and Junior Colleges Capital Improvements Fund created; use of monies.

SCHEDULE OF NEW SECTIONS

Added in this Supplement

TITLE 85. War Veterans and Pensions

CHAPTER 5. Military Veterans' Miscellaneous Provisions

Sec.
35-5-31. Mississippi Veterans Honor Medal Program created.

TITLE 37. Education

CHAPTER 7. School Districts; Boards of Trustees of School Districts

Article 7. Boards of Trustees; Organization; Powers and Duties.

37-7-315. Consolidation of system of high schools in Tate County districts of Coldwater High School [for contingent effective date, see Editor's Note].

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TITLE 35.

WAR VETERANS AND PENSIONS

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CHAPTER 1.

STATE VETERANS AFFAIRS BOARD

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IN GENERAL

Sec.
35-1-7. General duties and powers of board.

§ 35-1-7. General duties and powers of board.

(1) The duties of the State Veterans Affairs Board shall be to assist former and present members of the Armed Forces of the United States, and their dependents, in securing any benefits or privileges under any federal or state law or regulation to which they are entitled and to advise the Governor and Legislature on veterans affairs. Moreover, veterans or their dependents shall be given their choice of organizations to represent them in instances where a case is appealed, and the board shall lend its full cooperation in connection therewith.

(2) The board and its employees shall cooperate fully with all congressionally chartered veterans organizations within the state, including servicing the power of attorney of the congressionally chartered veterans organizations upon the request of the organizations to the State Veterans Affairs Board in the prosecution of all claims on behalf of veterans. However, all powers of attorney to the State Veterans Affairs Board shall be processed first, and thereafter, powers of attorney shall be processed for veterans organizations in the ratio that the membership of the organization bears to the total number of veterans residing in Mississippi.

(3) The State Veterans Affairs Board is designated as the "state approving agency" for the State of Mississippi. It shall be the duty of the State Veterans Affairs Board to inspect, approve and supervise schools, institutions and establishments for war orphan and veteran training as provided in Section 1771, Chapter 35, Title 38, United States Code, and in any subsequent acts passed by the Congress of the United States for the purpose of education and training of war orphans or former and present members of the Armed Forces of the United States. The State Veterans Affairs Board is authorized to employ the needed personnel to perform the duties as outlined in Section 1771, Chapter 35, Title 38, United States Code, and in any subsequent acts as enacted by the Congress of the United States, and to enter into contract with the Department of Veterans Affairs for salary and travel reimbursement for personnel employed for this purpose.

(4) The State Veterans Affairs Board shall operate all Mississippi state veterans homes when established as authorized by Sections 35-1-19 through 35-1-29.

(5) The powers of the State Veterans Affairs Board in relation to operating the State Veterans Homes shall specifically include, but not be limited to, the following authority:

(a) To expend, upon appropriation by the Legislature, any revenue generated by the State Veterans Homes in support of the State Veterans Homes;

(b) To enter into loan or scholarship agreements with employees or students to provide educational assistance where such student or employee agrees to work for a stipulated period of time for the board. Under this agreement the employee will agree to commit to up to three (3) years but no less than one (1) year, to be determined by the employment position and the amount of student debt; provided, however, no State General Fund monies shall be used for such purposes and the majority of funds for such purposes shall be provided through programs established by the Mississippi Department of Health, the United States Department of Health and Human Services, and the United States Department of Veterans Affairs; and

(c) To sell or otherwise dispose of any chattel property of the State Veterans Affairs Board used in operation of the State Veterans Homes where such disposition is consistent with the homes' purposes or where such property is deemed by the board or its designee to be surplus or otherwise unneeded. The State Veterans Affairs Board shall develop and submit an annual report to the Legislature on any such sale or disposition and shall ensure that the proceeds shall be used to defray the operation of the State Veterans Homes.

(6) The State Veterans Affairs Board is authorized to adopt such policies and to prescribe such rules and regulations as it may deem necessary for the proper administration of this chapter. However, such policies and regulations shall not be in conflict with any of the provisions of this chapter.

HISTORY: Codes, 1930, § 7330; 1942, § 7486-03; Laws, 1926, ch. 339; Laws,

1942, ch. 322; Laws, 1948, ch. 504, § 3; Laws, 1952, ch. 314, § 3; Laws, 1966, ch. 534, § 1; Laws, 1980, ch. 466, § 7; Laws, 1993, ch. 426, § 1; Laws, 1994, ch. 425, § 3, eff from and after passage (approved March 16, 1994); Laws, 2021, ch. 459, § 1, eff from and after passage (approved April 16, 2021).

Amendment Notes — The 2021 amendment, effective April 16, 2021, designated the formerly undesignated first four paragraphs (1) through (4) and the formerly undesignated last paragraph (6); and added (5).

MISSISSIPPI VETERANS MEMORIAL CEMETERY

Sec.

35-1-43. Establishment, operation and maintenance of Mississippi Persian Gulf War Memorial; purpose of memorial; Mississippi Persian Gulf War Memorial Fund.

§ 35-1-43. Establishment, operation and maintenance of Mississippi Persian Gulf War Memorial; purpose of memorial; Mississippi Persian Gulf War Memorial Fund.

(1) The State Veterans Affairs Board may establish, operate and maintain a Mississippi Persian Gulf War Memorial on the grounds of the Mississippi Veterans Memorial Cemetery in Newton County, Mississippi. The Mississippi State Veterans Affairs Board is authorized to move the Mississippi Persian Gulf War Memorial to another appropriate location and make necessary expenditures therefor from the Mississippi Persian Gulf War Memorial Fund. The purpose of the memorial is to honor and commemorate the sacrifices and service of United States Armed Forces personnel from Mississippi who have served or will serve in the Persian Gulf War between August 2, 1990, and the date on which the conflict is declared to be over, as established by law or presidential proclamation.

(2) The State Veterans Affairs Board is designated the agency of this state to receive any aid or funds from any source for the purpose of establishing, operating and maintaining the Persian Gulf War Memorial. The board may receive gifts, contributions, bequests and individual reimbursements from any source, the receipt of which shall not exclude any other source of revenue.

(3) There is created in the State Treasury a special fund to be known as the "Mississippi Persian Gulf War Memorial Fund." All funds received by the board under subsection (2) must be deposited into the special fund and expended by the board to establish, operate and maintain the Mississippi Persian Gulf War Memorial.

HISTORY: Laws, 2010, ch. 356, § 2, eff from and after passage (approved Mar. 15, 2010); Laws, 2021, ch. 334, § 1, eff from and after July 1, 2021.

Editor's Notes — On March 6, 1991, during an address to a joint session of Congress, President George H.W. Bush declared the Persian Gulf War over.

Amendment Notes — The 2021 amendment, in (1), added the second sentence.

CHAPTER 3.

MILITARY VETERANS; MISCELLANEOUS PROVISIONS

Sec.

35-3-13. Recordation without cost of honorable discharges and service certificates; recordation without cost of Form DD-214 and Form NGB-22.
35-3-21. County veteran service offices and officers.
35-3-31. Mississippi Veterans Honor Medal Program created.

§ 35-3-13. Recordation without cost of honorable discharges and service certificates; recordation without cost of Form DD-214 and Form NGB-22.

(1) All chancery clerks, of all counties of the State of Mississippi, shall record, without any cost whatsoever to any person of the Armed Forces of the United States residing in the same county as the chancery clerk, all honorable discharges and all certificates of service of any and all members of the Armed Forces of the United States of America who have served in the Armed Forces of the United States, including the army, navy and marine, coast guard and nurses corps.

(2) The board of supervisors of all counties shall furnish to the chancery clerk all necessary supplies and equipment for the recording of these instruments, and allow out of the general fund of the county the sum of One Dollar ($1.00) for recording the discharge certificate. All certified copies will be furnished free without cost either to the soldier, sailor, marine, coast guardsman, nurse or the county.

(3) The chancery clerk of all counties shall keep a record of all honorable discharges and certificates of discharge in a separate record safeguarded and protected from theft, and definitely marked "Record of Discharged Members of the Armed Forces." The chancery clerk shall furnish certified copies of the discharge or discharge certificate of any veteran when so requested by the veteran, his dependents or his authorized representative; however, before furnishing any copy of the discharge or discharge certificate, the chancery clerk must verify the identity and relationship to the veteran of the person requesting the copy and must obtain and maintain on file a signed consent for the release of information from the veteran, dependent or authorized representative.

(4)(a) The chancery clerk of all counties shall keep a record of all veterans Form DD-214 in a separate record safeguarded and protected from theft, and marked "Record of Veterans Service Form DD-214 Members of the Armed Forces." The chancery clerk shall record the form without charge and shall furnish certified copies of the Form DD-214 without charge when so requested by the veteran, his dependents or his authorized representative. The Form DD-214 record is not a public record under the public records law, and before furnishing any copy of the form, the chancery clerk shall verify the identity and relationship to the veteran of the person requesting the copy

and obtain and maintain in the file a signed consent for the release of information from the veteran, dependent or authorized representative. The chancery clerk shall prepare and provide a form for use by the veteran, dependent or authorized representative to provide such consent for the release of information from the veteran, dependent or authorized representative.

(b) The chancery clerk of all counties shall keep a record of all veterans Form NGB-22 in a separate record safeguarded and protected from theft, and marked "Record of Veterans Service Form NGB-22 Members of the Armed Forces." The chancery clerk shall record the form without charge and shall furnish certified copies of the Form NGB-22 without charge when so requested by the veteran, his dependents or his authorized representative. The Form NGB-22 record is not a public record under the public records law, and before furnishing any copy of the form, the chancery clerk shall verify the identity and relationship to the veteran of the person requesting the copy and obtain and maintain in the file a signed consent for the release of information from the veteran, dependent or authorized representative. The chancery clerk shall prepare and provide a form for use by the veteran, dependent or authorized representative to provide such consent for the release of information from the veteran, dependent or authorized representative.

HISTORY: Codes, 1942, § 7516; Laws, 1942, ch. 191; Laws, 1944, ch. 164, § 1; Laws, 1994, ch. 521, § 38; Laws, 2002, ch. 609, § 2, eff from and after July 1, 2002; Laws, 2020, ch. 407, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment designated the formerly undesignated first three paragraphs (1) through (3); and added (4).

§ 35-3-21. County veteran service offices and officers.

In order to maintain offices and pay personnel for the purpose of assisting all residents of the State of Mississippi who served in the military or naval forces of the United States during any war, their relatives, beneficiaries or dependents, to receive from the United States any and all compensation, hospitalization, insurance or other aid or benefits to which they may be entitled under existing or hereafter enacted laws of the United States, the boards of supervisors in the various counties in the state are hereby authorized and empowered, in their discretion, to expend out of the general county fund, or special veterans' fund herein authorized to be set up, or from both of such funds, such monies necessary to defray the office operating expenses and salary of the county veteran service officers.

Two (2) or more counties may, upon resolution duly adopted by the board of supervisors of each of such counties, agree to establish one (1) veteran service office for all of such counties. When two (2) or more counties enter into such an agreement, each county shall pay such amount mutually agreed upon and duly adopted by resolution of the respective boards of supervisors.

County veteran service officers shall be (a) honorably discharged or honorably released veterans; (b) the surviving spouse or child of any such

deceased veteran; or (c) any person employed as a county veteran service officer in any county of this state on March 30, 1990. From and after July 1, 1990, county veteran service officers shall be certified by the Mississippi State Veterans Affairs Board which, among any other criteria it may establish, shall require such officers to (a) attend one (1) of the annual training programs provided for such officers by the Mississippi State Veterans Affairs Board, (b) successfully complete a written examination each year on the duties and responsibilities of and assistance available to such officers and veterans, (c) have certification and be accredited according to 38 CFR Section 14.629 administered by the Mississippi State Veterans Affairs Board, and (d) follow the rules and regulations promulgated by the Mississippi State Veterans Affairs Board. County veteran service officers who annually receive and complete such instruction in a manner satisfactory to the Veterans Affairs Board and in accordance with this section shall be certified by the board. No county veteran service officer shall be entitled to receive any compensation for his services, to which he is otherwise entitled by law, unless he is annually certified by the board. Persons who cannot meet the accreditation standards of hours worked for county veteran service officers may be certified by the Mississippi State Veterans Affairs Board as Veterans Resource Advisors and be entitled to receive any compensation for his services as authorized by law.

County veteran service officers may be employed, in the discretion of the boards of supervisors, either full time or part time.

The boards of supervisors of the various counties are authorized and directed to provide necessary office space and communications connectivity for county veteran service officers.

The boards of supervisors of the various counties are further authorized and empowered to pay all necessary and actual expenses of county veteran service officers who attend a school of instruction within the State of Mississippi for such county veteran service officers.

It shall also be the duty of the boards of supervisors to aid the United States to defeat all unjust claims for aid or benefit therefrom.

Such expenditures may be made by the several counties acting alone, or in cooperation with other counties, and in cooperation with any federal or state agency carrying out such purposes.

In the event that the general revenues of the county levied under and within the limits of existing taxing statutes are not sufficient to pay the expenses authorized herein, the board of supervisors may, in its discretion, levy an additional tax not to exceed one (1) mill on all taxable property in the county to defray such expenses or any part thereof. Any tax levy made under authority of this chapter shall not be considered in refunding homestead exemption losses under Title 27, Chapter 33, Mississippi Code of 1972.

HISTORY: Codes, 1942, § 7519.7; Laws, 1946, ch. 221, § 6; Laws, 1948, ch. 500, § 6; Laws, 1950, ch. 465, § 6; Laws, 1966, ch. 536, § 1; Laws, 1968, ch. 480, § 1; Laws, 1976, ch. 444; Laws, 1977, ch. 358; Laws, 1980, ch. 472; Laws, 1983, ch. 399; Laws, 1990, ch. 504, § 1; Laws, 1991, ch. 342 § 1; Laws, 1996, ch. 399, § 1, eff from and after passage (approved March 19, 1996); Laws, 2018, ch. 313, § 1, eff from

and after July 1, 2018; Laws, 2021, ch. 361, § 1, eff from and after July 1, 2021; Laws, 2022, ch. 402, § 1, eff from and after July 1, 2022.

Joint Legislative Committee Note — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error in (a) in the first sentence of the third paragraph by deleting "in which the Armed Forces of the United States have been, are or shall be committed for action" following "honorably discharged or honorably released veterans." The Joint Committee ratified the correction at its August 20, 2021, meeting.

Amendment Notes — The 2021 amendment, in the third paragraph, in the first sentence, deleted "of any war or police action" following "released veterans" in (a), in the second sentence, substituted "attend one (1) of the annual training programs" for "attend at least one (1) of the two (2) annual training programs" and inserted "by the Mississippi State Veterans' Affairs Board" in (a), added (c) and (d), and made a related change, and deleted the former third and fourth sentences, which read: "The programs shall be developed by the State Veterans' Affairs Board. The program shall include a period of instruction which shall be not more than three (3) days for veteran service officers receiving initial certification, and not more than two (2) days for veteran service officers being recertified"; and added the fifth paragraph.

The 2022 amendment added the last sentence of the third paragraph.

§ 35-3-31. Mississippi Veterans Honor Medal Program created.

There is hereby created a Mississippi Veterans Honor Medal Program to be administered by the State Veterans Affairs Board to honor, recognize and thank Mississippi veterans for their honorable military service. The Mississippi Veterans Honor Medal shall be available for Mississippi veterans who were honorably discharged. The State Veterans Affairs Board shall determine as expeditiously as possible the specific eligibility requirements for the medal. Applications for the medal shall be filed with the State Veterans Affairs Board on forms prescribed and furnished by the board. The program shall be revenue neutral with all costs to be paid by the sale of the medals at a price to be determined by the board. The State Veterans Affairs Board may adopt any rules and regulations necessary to administer the provisions of this section.

HISTORY: Laws, 2020, ch. 463, § 5, eff from and after July 1, 2020.

TITLE 37.

EDUCATION

Chapter 3.	State Department of Education.	37-3-1
Chapter 5.	County Boards of Education and Superintendents.	37-5-1
Chapter 7.	School Districts; Boards of Trustees of School Districts.	37-7-1
Chapter 9.	District Superintendents, Principals, Teachers, and Other Employees.	37-9-1
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Chapter 17.	Accreditation of Schools.	37-17-1
Chapter 19.	Teacher Compensation.	37-19-1
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Chapter 28.	Mississippi Charter Schools Act of 2013.	37-28-1
Chapter 29.	Junior Colleges.	37-29-1

CHAPTER 1.

STATE BOARD OF EDUCATION

§ 37-1-3. Adoption of rules and regulations; budget; central management; educational improvement program; curriculum and course of study; objectives for instruction in personal money management skills; authority to expend available federal funds for training expenses and salary incentives for licensed teachers.

Cross References — Traffic regulations law and rules of the road to be taught to eighth grade students in all public schools, see § 63-3-9.

CHAPTER 3.

STATE DEPARTMENT OF EDUCATION

Sec.

37-3-2.	Certification of teachers and administrators.
37-3-13.	Appointment of deputy superintendents, associate superintendents, directors and other employees; compensation of teaching staff and employees of certain schools.

§ 37-3-2. Certification of teachers and administrators.

(1) There is established within the State Department of Education the

Commission on Teacher and Administrator Education, Certification and Licensure and Development. It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.

(2)(a) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each of the four (4) congressional districts, as such districts existed on January 1, 2011, in accordance with the population calculations determined by the 2010 federal decennial census, including: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of public institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the Mississippi Community College Board; one (1) local school board member; and four (4) laypersons. Three (3) members of the commission, at the sole discretion of the State Board of Education, shall be appointed from the state at large.

(b) All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

(3) The State Board of Education when making appointments shall designate a chairman. The commission shall meet at least once every two (2) months or more often if needed. Members of the commission shall be compensated at a rate of per diem as authorized by Section 25-3-69 and be reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(4)(a) An appropriate staff member of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve as executive secretary and coordinator for the commission. No less than two (2) other appropriate staff members of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve on the staff of the commission.

(b) An Office of Educator Misconduct Evaluations shall be established within the State Department of Education to assist the commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of subsections (11), (12), (13), (14) and (15) of this section, and violations of the Mississippi Educator Code of Ethics.

(5) It shall be the duty of the commission to:

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;

(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in the state, subject to a process and schedule determined by the State Board of Education;

(c) Establish, subject to the approval of the State Board of Education, standards for initial teacher certification and licensure in all fields;

(d) Establish, subject to the approval of the State Board of Education, standards for the renewal of teacher licenses in all fields;

(e) Review and evaluate objective measures of teacher performance, such as test scores, which may form part of the licensure process, and to make recommendations for their use;

(f) Review all existing requirements for certification and licensure;

(g) Consult with groups whose work may be affected by the commission's decisions;

(h) Prepare reports from time to time on current practices and issues in the general area of teacher education and certification and licensure;

(i) Hold hearings concerning standards for teachers' and administrators' education and certification and licensure with approval of the State Board of Education;

(j) Hire expert consultants with approval of the State Board of Education;

(k) Set up ad hoc committees to advise on specific areas;

(*l*) Perform such other functions as may fall within their general charge and which may be delegated to them by the State Board of Education; and

(m) Establish standards, subject to the approval of the State Board of Education, for supplemental endorsements, provided that the standards allow teachers as many options as possible to receive a supplemental endorsement, including, but not limited to, the option of taking additional coursework or earning at least the minimum qualifying score or higher on the required licensure subject assessment relevant to the endorsement area for which the licensure is sought. The subject assessment option shall not apply to certain subject areas, including, but not limited to, Early/Primary Education PreK-3, Elementary Education, or Special Education, except by special approval by the State Board of Education.

(6)(a) **Standard License — Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements. Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a Bachelor of Science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a Bachelor of Science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS). Effective July 1, 2016, for initial elementary education licensure, a teacher candidate must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the State Board of Education;

(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service's teacher testing examinations;

(iv) Any other document required by the State Board of Education; and

(v) From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi who did not meet the following criteria for entrance into an approved teacher education program:

1. An ACT Score of twenty-one (21) (or SAT equivalent); or

2. Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

(b)(i) **Standard License — Nontraditional Teaching Route.** From and after July 1, 2020, no teacher candidate shall be licensed to teach in

Mississippi under the alternate route who did not meet the following criteria:

1. An ACT Score of twenty-one (21) (or SAT equivalent); or

2. Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

(ii) Beginning July 1, 2020, an individual who has attained a passing score on the Praxis Core Academic Skills for Educators or an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program and a passing score on the Praxis Subject Assessment in the requested area of endorsement may apply for admission to the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

1. The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, using test results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4) locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.

2. The school sponsoring the teacher intern shall enter into a written agreement with the institution providing the Teach Mississippi Institute (TMI) program, under terms and conditions as agreed upon by the contracting parties, providing that the school district shall provide teacher interns seeking a nontraditional provisional teaching license with a one-year classroom teaching experience. The teacher intern shall successfully complete the one (1) semester three-hour intensive internship in the school district during the semester immediately following successful completion of the TMI and prior to the end of the one-year classroom teaching experience.

3. Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the

intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a teacher while the person completes a nontraditional teacher preparation internship program.

4. During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

5. An individual issued a provisional teaching license under this nontraditional route shall successfully complete, at a minimum, a one-year beginning teacher mentoring and induction program administered by the employing school district with the assistance of the State Department of Education.

6. Upon successful completion of the TMI and the internship provisional license period, applicants for a Standard License - Nontraditional Route shall submit to the commission a transcript of successful completion of the twelve (12) semester hours required in the internship program, and the employing school district shall submit to the commission a recommendation for standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License - Nontraditional Route which shall be valid for a five-year period and be renewable.

7. At the discretion of the teacher preparation institution, the individual shall be allowed to credit the twelve (12) semester hours earned in the nontraditional teacher internship program toward the graduate hours required for a Master of Arts in Teacher (MAT) Degree.

8. The local school district in which the nontraditional teacher intern or provisional licensee is employed shall compensate such teacher interns at Step 1 of the required salary level during the period of time such individual is completing teacher internship requirements and shall compensate such Standard License - Nontraditional Route teachers at Step 3 of the required salary level when they complete license requirements.

(iii) Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of

Education from developing and implementing additional alternative route teacher licensure programs, as deemed appropriate by the board. The emergency certification program in effect prior to July 1, 2002, shall remain in effect.

(iv) A Standard License - Approved Program Route shall be issued for a five-year period, and may be renewed. Recognizing teaching as a profession, a hiring preference shall be granted to persons holding a Standard License - Approved Program Route or Standard License - Nontraditional Teaching Route over persons holding any other license.

(c) **Special License — Expert Citizen.** In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a five-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person shall be required to have a high school diploma, an industry-recognized certification related to the subject area in which they are teaching and a minimum of five (5) years of relevant experience but shall not be required to hold an associate or bachelor's degree, provided that he or she possesses the minimum qualifications required for his or her profession, and may begin teaching upon his employment by the local school board and licensure by the Mississippi Department of Education. If a school board hires a career technical education pathway instructor who does not have an industry certification in his or her area of expertise but does have the required experience, the school board shall spread their decision on the minutes at their next meeting and provide a detailed explanation for why they hired the instructor. Such instructor shall present the minutes of the school board to the State Department of Education when he or she applies for an expert citizen license. The board shall adopt rules and regulations to administer the expert citizen-teacher license. A Special License - Expert Citizen may be renewed in accordance with the established rules and regulations of the State Department of Education.

(d) **Special License — Nonrenewable.** The State Board of Education is authorized to establish rules and regulations to allow those educators not meeting requirements in paragraph (a), (b) or (c) of this subsection (6) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

(e) **Nonlicensed Teaching Personnel.** A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school district or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License — Transitional Bilingual Education.** Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, in its discretion, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(h) **Highly Qualified Teachers.** Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, must be granted a standard five-year license by the State Department of Education.

(7) **Administrator License.** The State Board of Education is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi. There will be four (4) categories of administrator licensure with exceptions only through special approval of the State Board of Education.

(a) **Administrator License — Nonpracticing.** Those educators holding administrative endorsement but having no administrative experience or not serving in an administrative position on January 15, 1997.

(b) **Administrator License — Entry Level.** Those educators holding administrative endorsement and having met the department's qualifications to be eligible for employment in a Mississippi school district. Administrator License - Entry Level shall be issued for a five-year period and shall be nonrenewable.

(c) **Standard Administrator License — Career Level.** An administrator who has met all the requirements of the department for standard administrator licensure.

(d) **Administrator License — Nontraditional Route.** The board may establish a nontraditional route for licensing administrative personnel. Such nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

Individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. All applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) **Reciprocity.** The department shall grant a standard five-year license to any individual who possesses a valid standard license from another state, or another country or political subdivision thereof, within a period of twenty-one (21) days from the date of a completed application. The issuance of a license by reciprocity to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree. For all license types with a current valid expiration date of June 30, 2021, the State Department of Education shall grant a one-year extension to June 30, 2022. Beginning July 1, 2022, and thereafter, applicants for licensure renewal shall meet all requirements in effect on the date that the complete application is received by the State Department of Education.

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members, or by a hearing officer retained and appointed by the commission, for

the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission on Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission, its subcommittee or hearing officer, shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the commission, its subcommittee or hearing officer. An appeal to the State Board of Education shall be perfected upon filing a notice of the appeal and by the prepayment of the costs of the preparation of the record of proceedings by the commission, its subcommittee or hearing officer. An appeal shall be on the record previously made before the commission, its subcommittee or hearing officer, unless otherwise provided by rules and regulations adopted by the board. The decision of the commission, its subcommittee or hearing officer shall not be disturbed on appeal if supported by substantial evidence, was not arbitrary or capricious, within the authority of the commission, and did not violate some statutory or constitutional right. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the commission, its subcommittee or hearing officer. The decision of the State Board of Education shall be final.

(11)(a) The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license for one or more of the following:

(i) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;

(ii) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

(iii) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effect, at the time of application for a license;

(iv) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;

(v) Failing or refusing to furnish reasonable evidence of identification;

(vi) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this subparagraph (vi) of this paragraph (a), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(vii) The applicant or licensee is on probation or post-release supervision for a felony or conviction, as defined by federal or state law. However, this disqualification expires upon the end of the probationary or post-release supervision period.

(b) The State Board of Education, acting through the commission, shall deny an application for any teacher or administrator license, or immediately

revoke the current teacher or administrator license, for one or more of the following:

(i) If the applicant or licensee has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law. For purposes of this subparagraph (i) of this paragraph (b), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(ii) The applicant or licensee is on probation or post-release supervision for a sex offense conviction, as defined by federal or state law;

(iii) The license holder has fondled a student as described in Section 97-5-23, or had any type of sexual involvement with a student as described in Section 97-3-95; or

(iv) The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

(12) The State Board of Education, acting through the commission, may revoke, suspend or refuse to renew any teacher or administrator license for specified periods of time or may place on probation, reprimand a licensee, or take other disciplinary action with regard to any license issued under this chapter for one or more of the following:

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;

(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;

(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this paragraph, a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(e) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1);

(f) The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;

(g) The license holder served as superintendent or principal in a school district during the time preceding and/or that resulted in the Governor declaring a state of emergency and the State Board of Education appointing a conservator;

(h) The license holder submitted a false certification to the State Department of Education that a statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System; or

(i) The license holder has failed to comply with the Procedures for Reporting Infractions as promulgated by the commission and approved by the State Board of Education pursuant to subsection (15) of this section.

For purposes of this subsection, probation shall be defined as a length of time determined by the commission, its subcommittee or hearing officer, and based on the severity of the offense in which the license holder shall meet certain requirements as prescribed by the commission, its subcommittee or hearing officer. Failure to complete the requirements in the time specified shall result in immediate suspension of the license for one (1) year.

(13)(a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.

(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may only be reinstated by a majority vote of all members of the commission present at the meeting called for such purpose.

(14)(a) A person whose license has been suspended or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of suspension or surrender, or after one-half (1/2) of the suspended or surrendered time has lapsed, whichever is greater. A person whose license has been suspended or revoked on any grounds or violations under subsection (12) of this section may be reinstated automatically or approved for a reinstatement hearing, upon submission of a written request to the commission. A license suspended, revoked or surrendered on criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(b) A person whose license expires while under investigation by the Office of Educator Misconduct for an alleged violation may not be reinstated without a hearing before the commission if required based on the results of the investigation.

(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or

revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action and also notify the teacher or administrator of such revocation or suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission, its subcommittee or hearing officer regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

(16) An appeal from the action of the State Board of Education in denying an application, revoking or suspending a license or otherwise disciplining any person under the provisions of this section shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in chancery court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of preparation of the record of the proceedings by the State Board of Education, and the filing of a bond in the sum of Two Hundred Dollars ($200.00) conditioned that if the action of the board be affirmed by the chancery court, the applicant or license holder shall pay the costs of the appeal and the action of the chancery court.

(17) All such programs, rules, regulations, standards and criteria recommended or authorized by the commission shall become effective upon approval by the State Board of Education as designated by appropriate orders entered upon the minutes thereof.

(18) The granting of a license shall not be deemed a property right nor a guarantee of employment in any public school district. A license is a privilege indicating minimal eligibility for teaching in the public school districts of Mississippi. This section shall in no way alter or abridge the authority of local school districts to require greater qualifications or standards of performance as a prerequisite of initial or continued employment in such districts.

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any

provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(20) The Department of Education shall grant and renew all licenses and certifications of teachers and administrators within twenty-one (21) days from the date of a completed application if the applicant has otherwise met all established requirements for the license or certification.

HISTORY: Laws, 1982, Ex Sess, ch. 17, § 10; Laws, 1988, ch. 464, § 1; Laws, 1988, ch. 536, § 1; Laws, 1989, ch. 373, § 1; Laws, 1991, ch. 502, § 1; Laws, 1991, ch. 534, § 1; Laws, 1992, ch. 519, § 2; Laws, 1992, ch. 524, § 2; Laws, 1993, ch. 594, § 1; Laws, 1994, ch. 596, § 1; Laws, 1994, ch. 581, § 16; Laws, 1996, ch. 507, § 9; Laws, 1996, ch. 540, § 1; Laws, 1997, ch. 545, § 1; Laws, 2000, ch. 432, § 1; Laws, 2000, ch. 550, § 1; Laws, 2002, ch. 587, § 1; Laws, 2004, ch. 409, § 1; Laws, 2004, ch. 478, § 1; Laws, 2006, ch. 504, § 3; reenacted without change, Laws, 2009, ch. 345, § 2; reenacted and amended, Laws, 2009, ch. 445, § 2; Laws, 2011, ch. 514, § 1; Laws, 2012, ch. 376, § 1; Laws, 2013, ch. 350, § 3; Laws, 2013, ch. 496, § 1; Laws, 2013, ch. 497, § 39; Laws, 2014, ch. 318, § 1; Laws, 2014, ch. 397, § 8; Laws, 2014, ch. 458, § 3; Laws, 2014, ch. 536, § 3; Laws, 2015, ch. 470, § 2, eff from and after passage (approved Apr. 22, 2015); Laws, 2019, ch. 455, § 1, eff from and after July 1, 2019; Laws, 2020, ch. 348, § 1, eff from and after July 1, 2020; Laws, 2021, ch. 398, § 2, eff from and after July 1, 2021; Laws, 2021, ch. 463, § 1, eff from and after July 1, 2021; Laws, 2022, ch. 370, § 8, eff from and after July 1, 2022.

Joint Legislative Committee Note — Section 2 of Chapter 398, Laws of 2021, effective from and after July 1, 2021 (approved March 25, 2021), amended this section. Section 1 of Chapter 463, Laws of 2021, effective from and after July 1, 2021 (approved April 16, 2021), also amended this section. As set out above, this section reflects the language of Section 1 of Chapter 463, Laws of 2021, which contains language that specifically provides that it supersedes § 37-3-2 as amended by Chapter 398, Laws of 2021.

Amendment Notes — The 2020 amendment, in (6)(a)(v), substituted "July 1, 2020" for "September 30, 2015" in the introductory paragraph, rewrote 1. and 2., which read: "1. Twenty-one (21) ACT equivalent or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators examination; and 2. No less than 2.75 GPA on pre-major coursework of the institution's approved teacher education program provided that the accepted cohort of candidates meets or exceeds a 3.0 GPA on pre-major coursework," and added 3.; and in (6)(b), substituted "July 1, 2020" for "September 30, 2015" in the introductory paragraph, rewrote (i) and (ii), which read: "(i) Twenty-one (21) ACT equivalent or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators examination; and (ii) No less than 2.75 GPA on content coursework in the requested area of certification or passing Praxis II scores at or above the national recommended score provided that the accepted cohort of candidates of the institution's teacher education program meets or exceeds a 3.0 GPA on pre-major coursework," and added (iii), and rewrote the first sentence of the second paragraph, which read: "Beginning January 1, 2004, an individual who has a passing score on the Praxis I Basic Skills and Praxis II Specialty Area Test in the requested area of endorsement may apply for the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b)."

The first 2021 amendment (ch. 398), in (8)(a), inserted "or person who establishes residence in this state" and made a related change, and added "or 73-50-2 as applicable" at the end.

The second 2021 amendment (ch. 463), in (8), rewrote the first sentence, which read: "The department shall grant a standard license to any individual who possesses a valid

standard license from another state and meets minimum Mississippi license requirements or equivalent requirements as determined by the State Board of Education," and deleted former (b), which provided for the granting of a nonrenewable special license to individuals who possess a credential that is less than a standard license or certification from another state; and in (9), added the last two sentences.

The 2022 amendment, added (5)(m), and made a related change; in (6), redesignated former (b) as (i) and therein redesignated former (i) through (iii) as 1. through 3., designated the formerly undesignated second paragraph as (ii), and therein, redesignated former (i) through (viii) as 1. through 8., and designated the formerly undesignated last two paragraphs as (iii) and (iv), and in (c), substituted "a five-year expert" for "a one-year expert," inserted "shall be required to have...for his or her profession, and," and added the third and fourth sentences; in (8), inserted "or another country or political subdivision thereof"; and added (20).

§ 37-3-13. Appointment of deputy superintendents, associate superintendents, directors and other employees; compensation of teaching staff and employees of certain schools.

The deputy superintendents, associate superintendents and directors shall be selected by and hold office subject to the will of the State Superintendent of Public Education subject to the approval of the State Board of Education. All other personnel shall be competitively appointed by the State Superintendent and shall be dismissed only for cause in accordance with the rules and regulations of the State Personnel Board. The State Board of Education shall set the salary of the members of the teaching staffs and employees of the Mississippi School of the Arts, the Mississippi School for the Blind, the Mississippi School for the Deaf, and the Mississippi School for Math and Sciences. The State Superintendent, subject to the approval of the State Personnel Board, shall fix the amount of compensation of all other employees of the State Department of Education. All salaries, compensation or expenses of any of the personnel of the department shall be paid upon the requisition of the State Superintendent of Public Education and warrant issued thereunder by the State Auditor out of funds appropriated by the Legislature in a lump sum upon the basis of budgetary requirements submitted by the Superintendent of Education or out of funds otherwise made available. The entire expense of administering the department shall never exceed the amount appropriated therefor, plus funds received from other sources other than state appropriations. For a violation of this provision, the superintendent shall be liable, and he and the sureties on his bond shall be required to restore any such excess.

HISTORY: Codes, 1942, § 6245-04; Laws, 1946, ch. 297, § 4; Laws, 1982, Ex Sess, ch. 17, § 17; Laws, 1983, ch. 536, § 5; Laws, 1999, ch. 591, § 9; Laws, 2014, ch. 491, § 3, eff from and after passage (approved April 15, 2014); Laws, 2022, ch. 508, § 6, eff from and after July 1, 2022 (became law without the Governor's signature).

Amendment Notes — The 2022 amendment, in the third sentence, deleted "the deputy superintendents, associate superintendents and divisional directors, and" following "set the salary of," and added "the Mississippi School for the Blind...Math and

Sciences"; and deleted former (2), which related to the exemption of the personnel actions of the State Department of Education from State Personnel Board procedures for a limited time period.

§ 37-3-81. School Safety Center.

Cross References — Temporary Assistance for Needy Families (TANF) program, see § 43-17-1 et seq.

§ 37-3-85. After-school mentoring programs.

Cross References — Temporary Assistance for Needy Families (TANF) program, see § 43-17-1 et seq.

CHAPTER 5.

COUNTY BOARDS OF EDUCATION AND SUPERINTENDENTS

County Superintendents of Education. 37-5-61

COUNTY BOARDS OF EDUCATION

Sec.
37-5-61 through 37-5-65. Repealed.
37-5-67. Repealed.
37-5-69 and 37-5-71. Repealed.
37-5-75. Repealed.

§ 37-5-9. Nominating petition; election; runoff election.

HISTORY: Codes, 1942, § 6271-03; Laws, 1953, Ex Sess ch. 10, § 3; Laws, 1954, ch. 283, § 3; Laws, 1958, ch. 309, § 3; Laws, 1978, ch. 392, § 1; Laws, 2009, ch. 470, § 1 (see Editor's Note); Laws, 2019, ch. 308, § 1, eff from and after July 1, 2019; brought forward without change, Laws, 2021, ch. 392, § 5, eff from and after July 1, 2021.

Editor's Notes — This section was brought forward without change by Laws of 2021, ch. 392, § 5. Since the language of the section as it appears in the main volume is unaffected by the bringing forward of the section, it is not reprinted in this supplement.

Amendment Notes — The 2021 amendment brought the section forward without change.

COUNTY SUPERINTENDENTS OF EDUCATION

§§ 37-5-61 through 37-5-65. Repealed.

Repealed by Laws of 2016, ch. 311, § 3, effective January 1, 2019.

§ 37-5-61. [Codes, 1942, §§ 6271-08, 6271-10, 6274-05; Laws, 1953, Ex Sess ch. 10, §§ 8, 10; ch. 16, § 5; Laws, 1954, ch. 275; Laws, 1958, ch. 297; Laws, 1960, ch. 308, § 3; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; ch. 407, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; ch. 399; Laws, 1970, ch. 372, § 1; Laws, 2013, ch. 497, § 49; Laws, 2017, ch. 301, § 3, eff from and after passage (approved Jan. 17, 2017)]

§ 37-5-63. [Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; Laws, 1970, ch. 372, § 1, eff from and after passage (approved April 1, 1970)]

§ 37-5-65. [Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; Laws, 1970, ch. 372, § 1, eff from and after passage (approved April 1, 1970)]

Editor's Notes — Former § 37-5-61 created a county superintendent of education in each county and provided for the superintendent functions, election and term of office.

Former § 37-5-63 provided that the office of county superintendent of education could be made appointive.

Former § 37-5-65 provided the office of county superintendent of education that was made appointive under § 37-5-63 could be reestablished as elective and provided the procedure for doing so.

§ 37-5-67. Repealed.

Repealed by Laws of 2016, ch. 311, § 3, effective January 1, 2019.

§ 37-5-67. [Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch 398, § 1; Laws, 1970, ch. 372, § 1, eff from and after passage (approved April 1, 1970)]

Editor's Notes — Former § 37-5-67 authorized the appointment of county superintendent by county boards of education in certain counties.

§§ 37-5-69 and 37-5-71. Repealed.

Repealed by Laws of 2016, ch. 311, § 3, effective January 1, 2019.

§ 37-5-69. [Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; Laws, 1970, ch. 372, § 1, eff from and after passage (approved April 1, 1970)]

§ 37-5-71. [Laws, 1978, ch. 412, § 1; Laws, 1980, ch. 398, § 1; Laws, 1981, ch. 317, § 1; Laws, 1992, ch. 396 § 2; Laws, 2000, ch. 506, § 1; Laws, 2006, ch. 552, § 1; Laws, 2009, ch. 431, § 2; Laws, 2012, ch. 525, § 3; Laws, 2017, ch. 301, § 4, eff from and after passage (approved Jan. 17, 2017)]

Editor's Notes — Former § 37-5-69 abolished the office of county superintendent of education in certain counties and excepted certain counties from provisions concerning the choosing of a superintendent.

Former § 37-5-71 related to the section and qualifications of county superintendents of education.

§ 37-5-75. Repealed.

Repealed by Laws of 2016, ch. 311, § 3, effective January 1, 2019.

§ 37-5-75. [Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; Laws, 1970, ch. 372, § 1; Laws, 2000, ch. 592, § 16; Laws, 2017, ch. 301, § 5, eff from and after passage (approved Jan. 17, 2017)]

Editor's Notes — Former § 37-5-75 related to the filling of a vacancy in the office of county superintendent of education.

CHAPTER 7.

SCHOOL DISTRICTS; BOARDS OF TRUSTEES OF SCHOOL DISTRICTS

Article 3. Abolition, Alteration and Creation of Districts. 37-7-101
Article 7. Boards of Trustees; General Powers and Duties. 37-7-301

ARTICLE 3.

ABOLITION, ALTERATION AND CREATION OF DISTRICTS.

Sec.
37-7-104.4. Administrative consolidation of Montgomery County and Winona Municipal Separate School Districts into new countywide separate school district designated Winona-Montgomery Consolidated School District; procedure.

§ 37-7-104.4. Administrative consolidation of Montgomery County and Winona Municipal Separate School Districts into new countywide separate school district designated Winona-Montgomery Consolidated School District; procedure.

(1) In Montgomery County, Mississippi, in which are located, as of January 1, 2016, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new countywide municipal separate school district to be designated as Winona-Montgomery Consolidated School District which shall consist of the territory of the former Montgomery County School District and the Winona Municipal Separate School District, effective on July 1, 2018. At such time that the administrative consolidation becomes effective, the central administrative office of the Winona-Montgomery Consolidated School District shall be located in Winona, Mississippi.

(2) As soon as practicable, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the

consolidation of the districts slated for consolidation. The financial advisor and/or facilitator may, at the discretion of the Mississippi Department of Education, continue duties for one (1) year after the consolidation to ensure that all financial matters are in place. All financial expenditures of districts that are closing must be approved by the financial advisor and/or facilitator. If the superintendent and/or school board approves expenditures outside of this approval, they shall be personally liable for the excess expenditures. The State Board of Education shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district to which the financial advisor and/or facilitator is assigned.

(3)(a) On or before September 1, 2017, the State Board of Education shall serve the local school board of the Winona Municipal Separate School District and the local school board of the Montgomery County School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section.

(b) The members of the Winona-Montgomery Consolidated School District Board of Trustees serving on July 1, 2020, shall continue to serve until January 1, 2021, when the membership shall be reconstituted as follows: On the first Tuesday after the first Monday in November 2020, a special election shall be held in Montgomery County for the purpose of electing a new board of trustees of such district, which shall be elected from the Supervisors Districts of Montgomery County. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at special elections as vacancies occur for terms of five (5) years each. All members shall reside in the supervisors district which the member represents, and shall take office on the first Monday of January following the date of their election. All trustees of said school district shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. All vacancies which may occur during a term shall be filled by appointment of the consolidated school district trustees from the qualified electors of the district in which the vacancy occurs. However, the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term then expiring and the person so elected to the unexpired term shall take office immediately. Any school board member of the former school districts residing in the proper territory shall be eligible for appointment or election to the new Board of Trustees for Winona-Montgomery Consolidated School District.

(c) Any school district affected by the required administrative consolidation in the county that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State

Board of Education, to be effective immediately upon action of the State Board of Education. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the motion to consolidate. The affected school districts shall comply with any consolidation order issued by the State Board of Education.

(4)(a) On July 1, 2018, following the motion of the State Board of Education to consolidate school districts in Montgomery County, the Montgomery County School District shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school district shall be transferred to the Winona-Montgomery Consolidated School District as of July 1, 2018.

(b) The new board of trustees of the Winona-Montgomery Consolidated School District shall be responsible for establishing the contracts for operations, teachers, principals, clerical and administrative staff personnel for the 2018-2019 school year and each school year thereafter.

(c) The Superintendent of the Winona-Montgomery Consolidated School District shall be appointed by the board and is authorized to appoint an assistant superintendent, but in no instance shall the administrative leadership of the Winona-Montgomery Consolidated School District exceed three (3) assistant superintendents to be appointed by the Superintendent of the Winona-Montgomery Consolidated School District.

(d) It shall be the responsibility of the board of trustees to prepare and approve the budget of the respective new reorganized district, and the board of trustees may use staff from the former school district to prepare the budget. Any transfer of the assets, real or personal property of the Montgomery County School District mandated by this section shall be final and conclusive for the purposes of the transfer of property required by this section to effectuate the administrative consolidation.

(e) Any person or school district aggrieved by an order of the successor newly selected Board of Trustees of the Winona-Montgomery Consolidated School District pursuant to the required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at which such order is entered. The appeal shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, the provisions of which shall be fully applicable to appeals taken hereunder. The Board of Trustees of the Winona-Montgomery Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom has expired, nor shall the board pass upon or approve or disapprove any such order from which an appeal is taken until said appeal has been finally determined.

(5) Nothing in this section shall be construed to require the closing of any school or school facility, unless the facility is an unneeded administrative office

located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Montgomery County pursuant to the requirements of this section. Beginning with the insurance cafeteria plan year of November 1, 2018, the consolidated districts shall fall under all insurance plans and policies elected by the Winona-Montgomery Consolidated School District, including the group term life insurance described in Section 25-15-9(7).

(7) The County Board of Education and the Superintendent of Education of the former Montgomery County School District and the local school board and Superintendent of Schools of the Winona Municipal Separate School District shall cooperate with the State Department of Education, as soon as practicable after July 1, 2016, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

(8) It shall be the responsibility of the Board of Supervisors of Montgomery County to provide office, furnishing and utilities for the administrative Office of the Superintendent of the Winona-Montgomery Consolidated School District.

(9) One (1) year prior to the date of consolidation, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation. The financial advisor and/or facilitator may, at the discretion of the Mississippi Department of Education, continue duties for one (1) year after the consolidation to ensure that all financial matters are in place. All financial expenditures of districts that are closing must be approved by the financial advisor and/or facilitator. If the superintendent and/or school board approves expenditures outside of this approval, they shall be personally liable for the excess expenditures. The State Board of Education shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district.

HISTORY: Laws, 2016, ch. 465, § 1, eff from and after July 1, 2016; Laws, 2020, ch. 311, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment rewrote (3)(b) to reconstitute the Winona-Montgomery Consolidated School District Board of Trustees as of January 1, 2021.

§ 37-7-105. Procedure for alteration of district boundaries or consolidation of school districts by school boards; effect of consolidation as to contracts and taxation.

JUDICIAL DECISIONS

1. In general.

Nothing suggests that the deadline for appeal in Miss. Code Ann. § 37-7-115 is affected by the publication required by Miss. Code Ann. § 37-7-105; the deadline to file an appeal pursuant to § 37-7-115 is ten days from the date of the meeting in which the order of consolidation was entered, not final, and § 37-7-115 appeals are taken in the same manner as Miss. Code Ann. § 11-51-75 appeals, which do not require publication in a newspaper. Pearl River Cty. Bd. of Supervisors v. Miss. State Bd. of Educ., 289 So. 3d 301, 2020 Miss. LEXIS 30 (Miss. 2020).

§ 37-7-115. Appeals from school board orders.

JUDICIAL DECISIONS

ANALYSIS

1. In general.
2. Appeal untimely.
3. Person aggrieved.

1. In general.

Nothing suggests that the deadline for appeal in Miss. Code Ann. § 37-7-115 is affected by the publication required by Miss. Code Ann. § 37-7-105; the deadline to file an appeal pursuant to § 37-7-115 is ten days from the date of the meeting in which the order of consolidation was entered, not final, and § 37-7-115 appeals are taken in the same manner as Miss. Code Ann. § 11-51-75 appeals, which do not require publication in a newspaper. Pearl River Cty. Bd. of Supervisors v. Miss. State Bd. of Educ., 289 So. 3d 301, 2020 Miss. LEXIS 30 (Miss. 2020).

2. Appeal untimely.

Chancery court did not err by finding that an appeal was untimely filed pursuant to the statute because the statute provided the exclusive remedy by which a county could challenge the consolidation of school districts. Pearl River Cty. Bd. of Supervisors v. Miss. State Bd. of Educ., 289 So. 3d 301, 2020 Miss. LEXIS 30 (Miss. 2020).

Chancery court did not err by finding that an appeal was untimely filed pursuant to the statute because publication was not required for the appeal deadline to begin to run pursuant to the statute. Pearl River Cty. Bd. of Supervisors v. Miss. State Bd. of Educ., 289 So. 3d 301, 2020 Miss. LEXIS 30 (Miss. 2020).

3. Person aggrieved.

Based on the language of Miss. Code Ann. § 1-3-39, and the statements made by the county, the county was a "person aggrieved" for the purposes of Miss. Code Ann. § 37-7-115 because the county stated multiple times during proceedings that government property was at issue, and the property it was addressing in the action was the property of residents who would be assessed ad valorem taxes. Pearl River Cty. Bd. of Supervisors v. Miss. State Bd. of Educ., 289 So. 3d 301, 2020 Miss. LEXIS 30 (Miss. 2020).

ARTICLE 7.

BOARDS OF TRUSTEES; GENERAL POWERS AND DUTIES.

Sec.

37-7-307. Regulation of leaves for licensed and nonlicensed employees; employment of substitute teachers; donations of leave to other employees; accumulated leave; conversion of certain vacation days to sick leave; definitions.

37-7-315.1. Consolidation of system of high schools in Tate County; closure of Coldwater High School [For contingent effective date, see Editor's Notes].

§ 37-7-307. Regulation of leaves for licensed and nonlicensed employees; employment of substitute teachers; donations of leave to other employees; accumulated leave; conversion of certain vacation days to sick leave; definitions.

(1) For purposes of this section, the term "licensed employee" means any employee of a public school district required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development.

(2) The school board of a school district shall establish by rules and regulations a policy of sick leave with pay for licensed employees and teacher assistants employed in the school district, and such policy shall include the following minimum provisions for sick and emergency leave with pay:

(a) Each licensed employee and teacher assistant, at the beginning of each school year, shall be credited with a minimum sick leave allowance, with pay, of seven (7) days for absences caused by illness or physical disability of the employee during that school year.

(b) Any unused portion of the total sick leave allowance shall be carried over to the next school year and credited to such licensed employee and teacher assistant if the licensed employee or teacher assistant remains employed in the same school district. In the event any public school licensed employee or teacher assistant transfers from one public school district in Mississippi to another, any unused portion of the total sick leave allowance credited to such licensed employee or teacher assistant shall be credited to such licensed employee or teacher assistant in the computation of unused leave for retirement purposes under Section 25-11-109. Accumulation of sick leave allowed under this section shall be unlimited.

(c) No deduction from the pay of such licensed employee or teacher assistant may be made because of absence of such licensed employee or teacher assistant caused by illness or physical disability of the licensed employee or teacher assistant until after all sick leave allowance credited to such licensed employee or teacher assistant has been used.

(d) For the first ten (10) days of absence of a licensed employee because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee, there shall be deducted from the pay of such licensed employee the established substitute amount of licensed employee compensation paid in that local school district, necessitated because of the absence of the licensed employee as a result of illness or physical disability. In lieu of deducting the established substitute amount from the pay of such licensed employee, the policy may allow the licensed employee to receive full pay for the first ten (10) days of absence because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee. Thereafter, the regular pay of such absent licensed employee shall be suspended and withheld in its entirety for any period of absence because of illness or physical disability during that school year.

(3)(a) Beginning with the school year 1983-1984, each licensed employee at the beginning of each school year shall be credited with a minimum personal leave allowance, with pay, of two (2) days for absences caused by personal reasons during that school year. Effective for the 2010-2011 and 2011-2012 school years, licensed employees shall be credited with an additional one-half (½) day of personal leave for every day the licensed employee is furloughed without pay as provided in Section 37-7-308. Except as otherwise provided in paragraph (b) of this subsection, such personal leave shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday. Personal leave may be used for professional purposes, including absences caused by attendance of such licensed employee at a seminar, class, training program, professional association or other functions designed for educators. No deduction from the pay of such licensed employee may be made because of absence of such licensed employee caused by personal reasons until after all personal leave allowance credited to such licensed employee has been used. However, the superintendent of a school district, in his discretion, may allow a licensed employee personal leave in addition to any minimum personal leave allowance, under the condition that there shall be deducted from the salary of such licensed employee the actual amount of any compensation paid to any person as a substitute, necessitated because of the absence of the licensed employee. Any unused portion of the total personal leave allowance up to five (5) days shall be carried over to the next school year and credited to such licensed employee if the licensed employee remains employed in the same school district. Any personal leave allowed for a furlough day shall not be carried over to the next school year.

(b) Notwithstanding the restrictions on the use of personal leave prescribed under paragraph (a) of this subsection, a licensed employee may use personal leave as follows:

(i) Personal leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, an immediate family member of the employee is being deployed for military service.

(ii) Personal leave may be taken on a day previous to a holiday or a day after a holiday if an employee of a school district has either a minimum of ten (10) years' experience as an employee of that school district or a minimum of thirty (30) days of unused accumulated leave that has been earned while employed in that school district.

(iii) Personal leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, the employee has been summoned to appear for jury duty or as a witness in court.

(iv) Personal leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, an immediate family member of the employee dies or funeral services are held. Any day of the three (3) bereavement days may be used at the discretion of the teacher, and are not required to be taken in consecutive succession.

For the purpose of this subsection (3), the term "immediate family member" means spouse, parent, stepparent, child or stepchild, grandparent or sibling, including a stepbrother or stepsister.

(4) Beginning with the school year 1992-1993, each licensed employee shall be credited with a professional leave allowance, with pay, for each day of absence caused by reason of such employee's statutorily required membership and attendance at a regular or special meeting held within the State of Mississippi of the State Board of Education, the Commission on Teacher and Administrator Education, Certification and Licensure and Development, the Commission on School Accreditation, the Mississippi Authority for Educational Television, the meetings of the state textbook rating committees or other meetings authorized by local school board policy.

(5) Upon retirement from employment, each licensed and nonlicensed employee shall be paid for not more than thirty (30) days of unused accumulated leave earned while employed by the school district in which the employee is last employed. Such payment for licensed employees shall be made by the school district at a rate equal to the amount paid to substitute teachers and for nonlicensed employees, the payment shall be made by the school district at a rate equal to the federal minimum wage. The payment shall be treated in the same manner for retirement purposes as a lump-sum payment for personal leave as provided in Section 25-11-103(f). Any remaining lawfully credited unused leave, for which payment has not been made, shall be certified to the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for unused leave. No payment for unused accumulated leave may be made to either a licensed or nonlicensed employee at termination or separation from service for any purpose other than for the purpose of retirement.

(6) The school board may adopt rules and regulations which will reasonably aid to implement the policy of sick and personal leave, including, but not limited to, rules and regulations having the following general effect:

(a) Requiring the absent employee to furnish the certificate of a physician or dentist or other medical practitioner as to the illness of the

absent licensed employee, where the absence is for four (4) or more consecutive school days, or for two (2) consecutive school days immediately preceding or following a nonschool day;

(b) Providing penalties, by way of full deduction from salary, or entry on the work record of the employee, or other appropriate penalties, for any materially false statement by the employee as to the cause of absence;

(c) Forfeiture of accumulated or future sick leave, if the absence of the employee is caused by optional dental or medical treatment or surgery which could, without medical risk, have been provided, furnished or performed at a time when school was not in session;

(d) Enlarging, increasing or providing greater sick or personal leave allowances than the minimum standards established by this section in the discretion of the school board of each school district.

(7) School boards may include in their budgets provisions for the payment of substitute employees, necessitated because of the absence of regular licensed employees. All such substitute employees shall be paid wholly from district funds, except as otherwise provided for long-term substitute teachers in Section 37-19-20. Such school boards, in their discretion, also may pay, from district funds other than adequate education program funds, the whole or any part of the salaries of all employees granted leaves for the purpose of special studies or training.

(8) The school board may further adopt rules and regulations which will reasonably implement such leave policies for all other nonlicensed and hourly paid school employees as the board deems appropriate. Effective for the 2010-2011 and 2011-2012 school years, nonlicensed employees shall be credited with an additional one-half (½) day of personal leave for every day the nonlicensed employee is furloughed without pay as provided in Section 37-7-308.

(9) Vacation leave granted to either licensed or nonlicensed employees shall be synonymous with personal leave. Unused vacation or personal leave accumulated by licensed employees in excess of the maximum five (5) days which may be carried over from one year to the next may be converted to sick leave. The annual conversion of unused vacation or personal leave to sick days for licensed or unlicensed employees shall not exceed the allowable number of personal leave days as provided in Section 25-3-93. The annual total number of converted unused vacation and/or personal days added to the annual unused sick days for any employee shall not exceed the combined allowable number of days per year provided in Sections 25-3-93 and 25-3-95. Local school board policies that provide for vacation, personal and sick leave for employees shall not exceed the provisions for leave as provided in Sections 25-3-93 and 25-3-95. Any personal or vacation leave previously converted to sick leave under a lawfully adopted policy before May 1, 2004, or such personal or vacation leave accumulated and available for use prior to May 1, 2004, under a lawfully adopted policy but converted to sick leave after May 1, 2004, shall be recognized as accrued leave by the local school district and available for use by the employee. The leave converted under a lawfully adopted policy prior to

May 1, 2004, or such personal and vacation leave accumulated and available for use as of May 1, 2004, which was subsequently converted to sick leave may be certified to the Public Employees' Retirement System upon termination of employment and any such leave previously converted and certified to the Public Employees' Retirement System shall be recognized.

(10)(a) For the purposes of this subsection, the following words and phrases shall have the meaning ascribed in this paragraph unless the context requires otherwise:

(i) "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family that totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the local school district for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, that result in intermittent absences from work and that are long-term in nature and require long recuperation periods may be considered catastrophic.

(ii) "Immediate family" means spouse, parent, stepparent, sibling, child or stepchild, grandparent, stepbrother or stepsister.

(b) Any school district employee may donate a portion of his or her unused accumulated personal leave or sick leave to another employee of the same school district who is suffering from a catastrophic injury or illness or who has a member of his or her immediate family suffering from a catastrophic injury or illness, in accordance with the following:

(i) The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of unused accumulated personal leave and sick leave that is to be donated, and shall notify the school district superintendent or his designee of his or her designation.

(ii) The maximum amount of unused accumulated personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than seven (7) days of personal leave remaining, and the maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the unused accumulated sick leave of the donor employee.

(iii) An employee must have exhausted all of his or her available leave before he or she will be eligible to receive any leave donated by another employee. Eligibility for donated leave shall be based upon review and approval by the donor employee's supervisor.

(iv) Before an employee may receive donated leave, he or she must provide the school district superintendent or his designee with a physician's statement that states that the illness meets the catastrophic criteria established under this section, the beginning date of the catastrophic

injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.

(v) Before an employee may receive donated leave, the superintendent of education of the school district shall appoint a review committee to approve or disapprove the said donations of leave, including the determination that the illness is catastrophic within the meaning of this section.

(vi) If the total amount of leave that is donated to any employee is not used by the recipient employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.

(vii) Donated leave shall not be used in lieu of disability retirement.

(11) Effective January 1, 2020, the provisions of this section shall be fully applicable to any licensed employee of the Mississippi School of the Arts (MSA).

HISTORY: Codes, 1942, § 6328-28; Laws, 1953, Ex Sess, ch. 17, § 8; Laws, 1978, ch. 513, § 1, 1982, ch. 491; Laws, 1986, ch. 492, § 13; Laws, 1986, ch. 493; Laws, 1987, ch. 307, § 5, 1992, ch. 450, § 1; Laws, 1994, ch. 623, § 1; Laws, 1995, ch. 586, § 1; Laws, 1996, ch. 548, § 1; Laws, 1998, ch. 580, § 1; Laws, 1999, ch. 561, § 2; Laws, 2003, ch. 458, § 1; Laws, 2003, ch. 546, § 1; Laws, 2004, ch. 480, § 1; Laws, 2005, ch. 354, § 1; Laws, 2010, ch. 486, § 3; Laws, 2012, ch. 463, § 1; Laws, 2012, ch. 543, § 7; Laws, 2015, ch. 341, § 1, eff from and after July 1, 2015; Laws, 2019, ch. 307, § 1, eff from and after July 1, 2019; Laws, 2019, ch. 432, § 5, eff from and after July 1, 2019.

Editor's Notes — This section is set out above to correct errors in subsections (3) and (10) as they appeared in the 2019 Replacement Volume 10.

§ 37-7-315. Designation of school buildings and attendance centers.

HISTORY: Codes, 1942, § 6328-05; Laws, 1953, Ex Sess, ch. 12, § 5; Laws, 1960,ch. 303; Laws, 1986, ch. 492, § 15, eff from and after July 1, 1987; Laws, 2020, ch. 70, § 2, eff from and after the date the U.S. District Court for the Northern District of Mississippi approves the bringing forward of this section.

Editor's Notes —This section was brought forward without change by Laws of 2020, ch. 370, § 2, effective from and after the date Chapter 370 is approved by the U.S. District Court for the Northern District of Mississippi. Since the language of the section as it appears in the main volume is unaffected by the bringing forward of the section, it is not reprinted in this supplement.

Laws of 2020, ch. 370, §§ 3 and 4 provide:

"SECTION 3. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the United States District Court, Northern District of Mississippi, such court having jurisdiction over a desegregation order concerning one or more school districts affected by the requirements provided in this act.

"SECTION 4. This act shall take effect and be in force from and after the date it is approved by the District Court Judge for the United States District Court, Northern District of Mississippi."

Amendment Notes — The 2020 amendment brought the section forward without change. For contingent effective date, see Editor's Note.

§ 37-7-315.1. Consolidation of system of high schools in Tate County; closure of Coldwater High School [For contingent effective date, see Editor's Notes].

(1) Not later than July 1, 2020, the Tate County School Board, having jurisdiction over three (3) high schools within the Tate County School District, shall consolidate its system of high schools by closing Coldwater High School upon the completion of the 2019-2020 scholastic year. Factors used in determining the necessity to close Coldwater High School consists of the following criteria:

(a) Coldwater High School has consistently and chronically underperformed, as determined by its grade designation under the statewide school accountability rating system, as determined by the State Board of Education for the last four (4) accreditation cycles as follows:

(i) Maintained a "F" accountability rating for the 2016, 2017 and 2018 school years; and

(ii) Achieved a "D" accountability rating for the 2019 school year;

(b) Coldwater High School has maintained an average annual enrollment of approximately one hundred (100) students for the last four (4) scholastic terms;

(c) Coldwater High School's average annual student enrollment for the last four (4) scholastic terms represents less than four percent (4%) of the overall student enrollment for the Tate County School District;

(d) Coldwater High School provides a limited selection of robust and advanced course offerings as part of its adopted curriculum; and

(e) An assessment of Coldwater High School's graduation percentage rates and dropout percentage rates in comparison to the other remaining two (2) high schools throughout Tate County, the Senatobia Municipal School District and in surrounding counties.

(2) Under the authority provided in Section 37-7-315, the Tate County School Board shall execute a plan to provide for the closure of Coldwater High School, which shall be spread upon the minutes of its regularly scheduled meeting or at a special meeting called for the specific purpose of the school closure. At said meeting, the Tate County School Board shall:

(a) Issue an order to provide that the attendance zone of Coldwater High School shall be collapsed and redrawn for distribution in equal proportions to the school attendance zones for Independence High School and Strayhorn High School. The Tate County School Board shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school board, the new high school attendance zones will thereafter be effective;

(b) Issue an order to provide that upon such closure, students attending Coldwater High School shall have the discretion to choose whether to:

(i) Attend either Independence High School or Strayhorn High School in a manner that does not disparately impact the desegregation of either school; or

(ii) Transfer to the Senatobia Municipal School District, provided that the appropriate high school located therein is closest in proximity to the student's residence than either of the two (2) high schools in the Tate County School District; and

(c) Issue an order to enter agreement with the Senatobia Municipal School Board for the release by the Tate County School Board and subsequent acceptance by the Senatobia Municipal School District of students affected

by the closure of Coldwater High School. The agreement between each school board made parties thereto must consider the composition of the district boundaries of the Tate County School District, as it existed on January 1, 2020, to ensure that the student population eligible to be transferred from the Coldwater High School

HISTORY: Laws, 2020, ch. 370, § 1, eff from and after the date the U.S. District Court for the Northern District of Mississippi approves the addition of this section.

Editor's Notes — Laws of 2020, ch. 370, §§ 3 and 4 provide:

"SECTION 3. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the United States District Court, Northern District of Mississippi, such court having jurisdiction over a desegregation order concerning one or more school districts affected by the requirements provided in this act.

"SECTION 4. This act shall take effect and be in force from and after the date it is approved by the District Court Judge for the United States District Court, Northern District of Mississippi."

CHAPTER 9.

DISTRICT SUPERINTENDENTS, PRINCIPALS, TEACHERS, AND OTHER EMPLOYEES

In General. 37-9-1

IN GENERAL

Sec.

37-9-39. Time of payment of salaries.

§ 37-9-39. Time of payment of salaries.

(1) All school districts shall process a single monthly or a bimonthly payroll for employees, in the discretion of the local school board, consistent with the provisions of Section 37-157-103(1), except for December, when salaries or wages shall be paid by the last working day. Salaries or wages shall be paid at a minimum on a monthly basis. The standard contract for school district employees prescribed by the State Board of Education shall provide that school district employees shall earn a salary payable in equal monthly or bimonthly installments beginning in the first month of employment, regardless of the number of days worked in any particular month by the employee. Any employee failing to complete the contractual obligation of service, and who receives payment in excess of the installment for the period which such employee ceases employment with the school district, shall become liable immediately to the school board of the employing district for the sum of all amounts received in payment less the corresponding amount of any compensation paid for which service has been rendered, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his or her service.

(2) Any school employee whose employment ends during a school term, regardless of the reason(s) the employment ended, shall be paid salary or wages only for that portion of the school term that employee actually worked.

Nothing in this subsection (2) shall be construed to entitle any employee to payment of salary or wages when no work has been performed.

HISTORY: Codes, 1942, § 6282-14; Laws, 1953, Ex Sess, ch. 20, § 14; Laws, 1955, Ex Sess, ch. 53; Laws, 1974, ch. 455; Laws, 1986, ch. 492, § 76; Laws, 1987, ch. 307, § 13; Laws, 1990, ch. 398, § 1; Laws, 1992, ch. 524, § 5; Laws, 1997, ch. 545, § 15; Laws, 2003, ch. 546, § 3; Laws, 2012, ch. 543, § 6; Laws, 2013, ch. 566, § 1; Laws, 2014, ch. 302, § 1; Laws, 2014, ch. 420, § 2, eff from and after passage (approved March 24, 2014); Laws, 2022, ch. 431, § 1, eff from and after July 1, 2022.

Amendment Notes — The 2022 amendment, in (1), substituted "shall process a single monthly or a bimonthly payroll for employees" for "shall process a single monthly payroll for licensed employees and may process a single monthly or a semimonthly payroll for nonlicensed employees" in the first sentence, inserted "or bimonthly" in the second sentence, and deleted "monthly" following "payment in excess of the" in the last sentence.

§ 37-9-59. Grounds and procedure for dismissal or suspension of licensed employee; attendance at different school system by child as ground for denying employment or reemployment of superintendent, principal or licensed employee.

JUDICIAL DECISIONS

ANALYSIS

1. Suspension and removal—In general.
3. —Principals.
4. —Teachers—In general.
7. Procedural matters.
8. Remedies.

1. Suspension and removal—In general.

3. —Principals.

Chancery court erred in reversing the decision of the board of trustees of a public school district because the decision upholding the principal's termination/demotion was a valid termination of her employment as a principal; the school district's willingness to continue to employ the principal as an assistant principal did not invalidate its otherwise lawful termination because a demotion was a termination of present employment coupled with an offer of employment in a different position. Jackson Pub. Sch. Dist. v. Mason, 295 So. 3d 484, 2019 Miss. App. LEXIS 459 (Miss. Ct. App. 2019), cert. denied, 293 So. 3d 832, 2020 Miss. LEXIS 222 (Miss. 2020).

School district's initial offer to a principal was based on the erroneous premise that it could still non-renew her contract on May 12 because the March 1 deadline had passed, and the principal's contract was automatically renewed for the next school year and could not be non-renewed; however, because the school district ultimately did not attempt to non-renew the principal's contract, the error in its initial letter to the principal was harmless. Jackson Pub. Sch. Dist. v. Mason, 295 So. 3d 484, 2019 Miss. App. LEXIS 459 (Miss. Ct. App. 2019), cert. denied, 293 So. 3d 832, 2020 Miss. LEXIS 222 (Miss. 2020).

4. —Teachers—In general.

School board's decision to terminate a teacher for allegedly authoring racially inflammatory social media posts was not appropriate because there was no substantial evidence that the teacher authored the alleged posts and there was no substantial evidence that the teacher exercised poor judgment by failing to ad-

equately protect the teacher's social-media account. S. Panola Sch. Dist. v. Rone, 315 So. 3d 1046, 2020 Miss. App. LEXIS 534 (Miss. Ct. App. 2020), cert. denied, 316 So. 3d 202, 2021 Miss. LEXIS 121 (Miss. 2021).

7. Procedural matters.

Hearing to contest a dismissal proceeds under same statute as a hearing to contest a nonrenewal, and the right to judicial review arises under the same statute in either case; employee's right to receive proper notice is just as important as it is in the case of a nonrenewal and the right to proper notice is especially important in the case of a termination. Thus, the chancery court had jurisdiction to hear the teacher's original complaint on her dismissal and appeal from the board's final decision. Leland Sch. Dist. v. Brown, — So. 3d —, 2022 Miss. App. LEXIS 213 (Miss. Ct. App. June 21, 2022).

District failed to provide employee with proper notice until August 2017, at which point she timely requested a hearing, and following an adverse decision by the Board, the employee timely sought judicial review; accordingly, the chancery court had jurisdiction in this case. Leland Sch. Dist. v. Brown, — So. 3d —, 2022 Miss. App. LEXIS 213 (Miss. Ct. App. June 21, 2022).

8. Remedies.

Limited right to continued pay was inapplicable in this case as the employee was not temporarily relieved of duties pending a hearing because she was a threat or danger to students or school operations; rather, the district permanently dismissed her from her position. Leland Sch. Dist. v. Brown, — So. 3d —, 2022 Miss. App. LEXIS 213 (Miss. Ct. App. June 21, 2022).

Employee worked as a teacher in other school districts during the 2015-2016 and 2016-2017 school years, and thus the chancellor properly reduced her award to account for her actual earnings as a teacher during those years, and there was no reversible error in the chancellor's award of damages. Leland Sch. Dist. v. Brown, — So. 3d —, 2022 Miss. App. LEXIS 213 (Miss. Ct. App. June 21, 2022).

§ 37-9-69. General duties of superintendents, principals and teachers.

JUDICIAL DECISIONS

ANALYSIS

6. Breach of duty not found.
7. Breach of duty alleged.

6. Breach of duty not found.

There were no genuine issues of material fact as to whether a school district had breached its ministerial duties to a student who injured her knee while being chased by a second student, as the evidence showed that after being advised by the first student's mother of an alleged threat by the second student, school personnel took reasonable steps to address the potential threat within the limited time available to them. Robertson v. Houston Miss. Pub. Sch. Dist., 335 So. 3d 1082, 2021 Miss. App. LEXIS 510 (Miss. Ct. App. 2021).

7. Breach of duty alleged.

A student's suit brought by her mother against the school district for failing to prevent a fellow student from attacking her adequately stated a cause of action for negligence, because the complaint alleged the district breached its ministerial duty under Miss. Code Ann. § 37-9-69 to use ordinary care and to take reasonable steps to minimize foreseeable risks to her. J.D. v. McComb Sch. Dist., — So. 3d —, 2022 Miss. App. LEXIS 85 (Miss. Ct. App. Mar. 15, 2022).

EDUCATION EMPLOYMENT PROCEDURES LAW

§ 37-9-105. Written notice of decision not to offer employee renewal contract; deadline for notification of nonreemployment.

JUDICIAL DECISIONS

5. Good cause for nonrenewal.

Chancery court erred in reversing the decision of the board of trustees of a public school district because the decision upholding the principal's termination/demotion was a valid termination of her employment as a principal; the school district's willingness to continue to employ the principal as an assistant principal did not invalidate its otherwise lawful termination because a demotion was a termination of present employment coupled with an offer of employment in a different position. Jackson Pub. Sch. Dist. v. Mason, 295 So. 3d 484, 2019 Miss. App. LEXIS 459 (Miss. Ct. App. 2019), cert. denied, 293 So. 3d 832, 2020 Miss. LEXIS 222 (Miss. 2020).

§ 37-9-111. Hearing.

JUDICIAL DECISIONS

ANALYSIS

1. In general.
6. Decision following hearing.

1. In general.

Hearing to contest a dismissal proceeds under same statute as a hearing to contest a nonrenewal, and the right to judicial review arises under the same statute in either case; employee's right to receive proper notice is just as important as it is in the case of a nonrenewal and the right to proper notice is especially important in the case of a termination. Thus, the chancery court had jurisdiction to hear the teacher's original complaint on her dismissal and appeal from the board's final decision. Leland Sch. Dist. v. Brown, — So. 3d —, 2022 Miss. App. LEXIS 213 (Miss. Ct. App. June 21, 2022).

6. Decision following hearing.

School board's decision to terminate a teacher for allegedly authoring racially inflammatory social media posts was not appropriate because there was no substantial evidence that the teacher authored the alleged posts and there was no substantial evidence that the teacher exercised poor judgment by failing to adequately protect the teacher's social-media account. S. Panola Sch. Dist. v. Rone, 315 So. 3d 1046, 2020 Miss. App. LEXIS 534 (Miss. Ct. App. 2020), cert. denied, 316 So. 3d 202, 2021 Miss. LEXIS 121 (Miss. 2021).

§ 37-9-113. Judicial review.

JUDICIAL DECISIONS

ANALYSIS

1. In general.
2. Scope of appeal; jurisdiction.
3. Burden of proof.
5. Miscellaneous.

1. In general.

Chancery court erred in reversing the decision of the board of trustees of a public school district because the decision upholding the principal's termination/demotion was a valid termination of her em-

ployment as a principal; the school district's willingness to continue to employ the principal as an assistant principal did not invalidate its otherwise lawful termination because a demotion was a termination of present employment coupled with an offer of employment in a different position. Jackson Pub. Sch. Dist. v. Mason, 295 So. 3d 484, 2019 Miss. App. LEXIS 459 (Miss. Ct. App. 2019), cert. denied, 293 So. 3d 832, 2020 Miss. LEXIS 222 (Miss. 2020).

2. Scope of appeal; jurisdiction.

Hearing to contest a dismissal proceeds under same statute as a hearing to contest a nonrenewal, and the right to judicial review arises under the same statute in either case; employee's right to receive proper notice is just as important as it is in the case of a nonrenewal and the right to proper notice is especially important in the case of a termination. Thus, the chancery court had jurisdiction to hear the teacher's original complaint on her dismissal and appeal from the board's final decision. Leland Sch. Dist. v. Brown, — So. 3d —, 2022 Miss. App. LEXIS 213 (Miss. Ct. App. June 21, 2022).

Chancellor properly struck a document from the record because it was not offered or admitted during the administrative hearing before the hearing officer, plus even this undated, unauthenticated document indicated that the school board could employ a special education director without an administrator's license, and thus the argument that the employee was not qualified for the position was without merit. Leland Sch. Dist. v. Brown, — So. 3d —, 2022 Miss. App. LEXIS 213 (Miss. Ct. App. June 21, 2022).

Chancery court's reversal of a school board's decision to terminate a teacher for allegedly authoring racially inflammatory social media posts was appropriate because the court did not err by finding that there was no substantial evidence that the teacher authored the alleged posts and by finding that there was no substantial evidence that the teacher exercised poor judgment by failing to adequately protect the teacher's social-media account. S. Panola Sch. Dist. v. Rone, 315 So. 3d 1046, 2020 Miss. App. LEXIS 534 (Miss. Ct. App. 2020), cert. denied, 316 So. 3d 202, 2021 Miss. LEXIS 121 (Miss. 2021).

3. Burden of proof.

Court presumed that the school board and superintendent followed proper procedures in hiring the employee and the district presented no evidence to rebut that presumption; accordingly, there was no substantial evidence to support the finding that the employee's contract was invalid and no substantial evidence to support the decision to terminate her employment. Leland Sch. Dist. v. Brown, — So. 3d —, 2022 Miss. App. LEXIS 213 (Miss. Ct. App. June 21, 2022).

5. Miscellaneous.

School district's initial offer to a principal was based on the erroneous premise that it could still non-renew her contract on May 12 because the March 1 deadline had passed, and the principal's contract was automatically renewed for the next school year and could not be non-renewed; however, because the school district ultimately did not attempt to non-renew the principal's contract, the error in its initial letter to the principal was harmless. Jackson Pub. Sch. Dist. v. Mason, 295 So. 3d 484, 2019 Miss. App. LEXIS 459 (Miss. Ct. App. 2019), cert. denied, 293 So. 3d 832, 2020 Miss. LEXIS 222 (Miss. 2020).

CHAPTER 11.

GENERAL PROVISIONS PERTAINING TO EDUCATION

Sec.

37-11-27. Interest in contracts involving public schools.
37-11-29. Reporting of unlawful activity or violent act on educational property or during school related activity; authority of law enforcement officers; reporting of disposition of charges against student; liability of school personnel participating in reporting.

Sec.
37-11-77. Public school students to have equal opportunity to engage in partisan or nonpartisan activities or expressions, and have equal access to school facilities, before, during and after the school day.
37-11-79. Denial of equal access to or discrimination against students wishing to conduct meetings within limited open forum on the basis of political, philosophical or ideological content prohibited; authority of school to maintain order, protect students, and assure attendance at meetings is voluntary.

§ 37-11-27. Interest in contracts involving public schools.

It shall be unlawful for any member of the board of trustees of any school district, any member of the county board of education, the county superintendent of education, or any superintendent, principal or other school district administrator with authority to negotiate school district contracts, to have or own any direct or indirect interest individually or as agent or employee of any person, partnership, firm, or corporation in any contract made or let by the county board of education, the county superintendent of education or the board of trustees of the school district for the construction, repair, or improvement of any school facility, the furnishing of any supplies, materials, or other articles, the doing of any public work or the transportation of children or upon any subcontract arising therefrom or connected therewith in any manner. The board of trustees of any school district shall be authorized to contract with a teacher or school district employee to perform extra work without being in violation of the provisions of this section. The board of trustees shall make a case-by-case determination of the possible conflicts of interest arising from any extra work contracts and such decision by the board shall be final. Any contract entered into in violation of the provisions of this section shall be void and of no effect. Any person who shall authorize or enter into any contract in violation of the provisions hereof, or who shall knowingly or willfully pay out or receive any money upon any such contract shall be civilly liable for the amount so paid or received, and, in the case of an official who has furnished a bond, the surety upon such bond shall likewise be liable for such amount. In addition thereto, any person who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment, in the discretion of the court.

HISTORY: Codes, 1942, § 6328-29; Laws, 1953, Ex Sess, ch. 17, § 9; Laws, 1989, ch. 585, § 5, effective April 25, 1989 (became law without the Governor's signature); Laws, 2020, ch. 309, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment, in the first sentence, substituted "or other school district administrator with authority to negotiate school district contracts" for "teacher, or employee of a county board of education or any school district"; and made punctuation and minor stylistic changes.

§ 37-11-29. Reporting of unlawful activity or violent act on educational property or during school related activity; authority of law enforcement officers; reporting of disposition of charges against student; liability of school personnel participating in reporting.

(1) Any principal, teacher or other school employee who has knowledge of any unlawful activity which occurred on educational property or during a school related activity or which may have occurred shall report such activity to the superintendent of the school district or his designee who shall notify the appropriate law enforcement officials as required by this section. In the event of an emergency or if the superintendent or his designee is unavailable, any principal may make a report required under this subsection.

(2) Whenever any person who shall be an enrolled student in any school or educational institution in this state supported in whole or in part by public funds, or who shall be an enrolled student in any private school or educational institution, is arrested for, and lawfully charged with, the commission of any crime and convicted upon the charge for which he was arrested, or convicted of any crime charged against him after his arrest and before trial, the office or law enforcement department of which the arresting officer is a member, and the justice court judge and any circuit judge or court before whom such student is tried upon said charge or charges, shall make or cause to be made a report thereof to the superintendent or the president or chancellor, as the case may be, of the school district or other educational institution in which such student is enrolled.

If the charge upon which such student was arrested, or any other charges preferred against him are dismissed or nol prossed, or if upon trial he is either convicted or acquitted of such charge or charges, same shall be reported to said respective superintendent or president, or chancellor, as the case may be. A copy of said report shall be sent to the Secretary of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, at Jackson, Mississippi.

Said report shall be made within one (1) week after the arrest of such student and within one (1) week after any charge placed against him is dismissed or nol prossed, and within one (1) week after he shall have pled guilty, been convicted, or have been acquitted by trial upon any charge placed against him. This section shall not apply to ordinary traffic violations involving a penalty of less than Fifty Dollars ($50.00) and costs.

The State Superintendent of Public Education shall gather annually all of the reports provided under this section and prepare a report on the number of students arrested as a result of any unlawful activity which occurred on educational property or during a school related activity. All data must be disaggregated by race, ethnicity, gender, school, offense and law enforcement agency involved. However, the report prepared by the State Superintendent of Public Education shall not include the identity of any student who was arrested.

On or before January 1 of each year, the State Superintendent of Public Education shall report to the Governor, the Lieutenant Governor, the Speaker of

the House of Representatives and the Joint PEER Committee on this section. The report must include data regarding arrests as a result of any unlawful activity which occurred on educational property or during a school related activity.

(3) When the superintendent or his designee has a reasonable belief that an act has occurred on educational property or during a school related activity involving any of the offenses set forth in subsection (6) of this section, the superintendent or his designee shall immediately report the act to the appropriate local law enforcement agency. For purposes of this subsection, "school property" shall include any public school building, bus, public school campus, grounds, recreational area or athletic field in the charge of the superintendent. The State Board of Education shall prescribe a form for making reports required under this subsection. Any superintendent or his designee who fails to make a report required by this section shall be subject to the penalties provided in Section 37-11-35.

(4) The law enforcement authority shall immediately dispatch an officer to the educational institution and with probable cause the officer is authorized to make an arrest if necessary as provided in Section 99-3-7.

(5) Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed.

(6) For purposes of this section, "unlawful activity" means any of the following:

(a) Possession or use of a deadly weapon, as defined in Section 97-37-1;

(b) Possession, sale or use of any controlled substance;

(c) Aggravated assault, as defined in Section 97-3-7;

(d) Simple assault, as defined in Section 97-3-7, upon any school employee;

(e) Rape, as defined under Mississippi law;

(f) Sexual battery, as defined under Mississippi law;

(g) Murder, as defined under Mississippi law;

(h) Kidnapping, as defined under Mississippi law; or

(i) Fondling, touching, handling, etc., a child for lustful purposes, as defined in Section 97-5-23.

For the purposes of this subsection (6), the term "controlled substance" does not include the possession or use of medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

HISTORY: Codes, 1942, § 6216-31; Laws, 1960, ch. 319, § 1; Laws, 1994, ch. 636, § 2; Laws, 1994, ch. 607, § 2; Laws, 1996, ch. 311, § 1; Laws, 2016, ch. 388, § 1, eff from and after July 1, 2016; Laws, 2022, ch. 303, § 53, eff from and after passage (approved February 2, 2022).

Amendment Notes — The 2022 amendment, effective February 2, 2022, added the second paragraph of (6).

Cross References — Mississippi Medical Cannabis Act, see § 41-137-1 et seq.

§ 37-11-77. Public school students to have equal opportunity to engage in partisan or nonpartisan activities or expressions, and have equal access to school facilities, before, during and after the school day.

Students in public schools may engage in political activities or political or philosophical expression before, during and after the school day in the same manner and to the same extent that students may engage in nonpolitical activities or expression. Students may organize partisan or nonpartisan political groups, political clubs, political rallies, or other politically themed gatherings before, during and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Partisan and nonpartisan political groups must be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the political content of the students' expression.

HISTORY: Laws, 2022, ch. 387, § 1, eff from and after July 1, 2022.

Editor's Notes — Laws of 2022, ch. 387, § 3, provides:
"SECTION 3. If any provision of this act or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the act and the application to other persons or circumstances shall not be affected thereby."

§ 37-11-79. Denial of equal access to or discrimination against students wishing to conduct meetings within limited open forum on the basis of political, philosophical or ideological content prohibited; authority of school to maintain order, protect students, and assure attendance at meetings is voluntary.

(1) It shall be unlawful for any public school which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the political, philosophical, ideological or other content of the speech at such meetings.

(2) Nothing in Sections 37-11-77 and 37-11-79 shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

HISTORY: Laws, 2022, ch. 387, § 2, eff from and after July 1, 2022.

Editor's Notes — Laws of 2022, ch. 387, § 3, provides:
"SECTION 3. If any provision of this act or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the act and the application to other persons or circumstances shall not be affected thereby."

CHAPTER 13.

CURRICULUM; SCHOOL YEAR AND ATTENDANCE

In General. 37-13-1
Mississippi Compulsory School Attendance Law. 37-13-80
Sex and Abstinence Education. 37-13-171
Mississippi Computer Science and Cyber Education Equality Act. 37-13-201

IN GENERAL

Sec.
37-13-2. Compelling or directing students to affirm the inherent superiority or inferiority of, or that individuals should be adversely treated on the basis of, sex, race, ethnicity, religion or national origin by public institutions of higher learning, community or junior colleges, school districts, or charter schools prohibited; distinguishing or classifying students based on race prohibited.

§ 37-13-2. Compelling or directing students to affirm the inherent superiority or inferiority of, or that individuals should be adversely treated on the basis of, sex, race, ethnicity, religion or national origin by public institutions of higher learning, community or junior colleges, school districts, or charter schools prohibited; distinguishing or classifying students based on race prohibited.

(1) No public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall direct or otherwise compel students to personally affirm, adopt or adhere to any of the following tenets:

(a) That any sex, race, ethnicity, religion or national origin is inherently superior or inferior; or

(b) That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion or national origin.

(2) No public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall make a distinction or classification of students based on account of race, provided that nothing in this subsection shall be construed to prohibit the required collection or reporting of demographic information by such schools or institutions.

(3) No public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall teach a course of instruction or unit of study that directs or otherwise compels students to personally affirm, adopt or adhere to any of the tenets identified in subsection (1)(a) and (b) of this section.

(4) No funds shall be expended by the State Department of Education, any entity under the Department of Education's jurisdiction or purview, a

school district, public charter school, community/junior college, the Mississippi Community College Board, the Board of Trustees of State Institutions of Higher Learning or a public institution of higher learning for any purpose that would violate the provisions of this section.

(5) The provisions of this section shall be severable, and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

HISTORY: Laws, 2022, ch. 355, § 1, eff from and after passage (approved March 14, 2022).

MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW

Sec.
37-13-89. School attendance officers; qualifications; duties; salaries.

§ 37-13-89. School attendance officers; qualifications; duties; salaries.

(1) In each school district within the state, there shall be employed the number of school attendance officers determined by the Office of Compulsory School Attendance Enforcement to be necessary to adequately enforce the provisions of the Mississippi Compulsory School Attendance Law; however, this number shall not exceed one hundred fifty-three (153) school attendance officers at any time. From and after July 1, 1998, all school attendance officers employed pursuant to this section shall be employees of the State Department of Education. The State Department of Education shall employ all persons employed as school attendance officers by district attorneys before July 1, 1998, and shall assign them to school attendance responsibilities in the school district in which they were employed before July 1, 1998. The first twelve (12) months of employment for each school attendance officer shall be the probationary period of state service.

(2)(a) The State Department of Education shall obtain current criminal records background checks and current child abuse registry checks on all persons applying for the position of school attendance officer after July 2, 2002. The criminal records information and registry checks must be kept on file for any new hires. In order to determine an applicant's suitability for employment as a school attendance officer, the applicant must be fingerprinted. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check. The applicant shall pay the fee, not to exceed Fifty Dollars ($50.00), for the fingerprinting and criminal records background check; however, the State Department of Education, in its discretion, may pay the fee for the fingerprinting and criminal records background check on behalf of any applicant. Under no circumstances may a member of the State Board of Education,

employee of the State Department of Education or any person other than the subject of the criminal records background check disseminate information received through any such checks except insofar as required to fulfill the purposes of this subsection.

(b) If the fingerprinting or criminal records check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the applicant is not eligible to be employed as a school attendance officer. Any employment of an applicant pending the results of the fingerprinting and criminal records check is voidable if the new hire receives a disqualifying criminal records check. However, the State Board of Education, in its discretion, may allow an applicant aggrieved by an employment decision under this subsection to appear before the board, or before a hearing officer designated for that purpose, to show mitigating circumstances that may exist and allow the new hire to be employed as a school attendance officer. The State Board of Education may grant waivers for mitigating circumstances, which may include, but are not necessarily limited to: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence demonstrating the ability of the person to perform the responsibilities of a school attendance officer competently and that the person does not pose a threat to the health or safety of children.

(c) A member of the State Board of Education or employee of the State Department of Education may not be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this section.

(3) Each school attendance officer shall possess a college degree with a major in a behavioral science or a related field or shall have no less than three (3) years combined actual experience as a school teacher, school administrator, law enforcement officer possessing such degree, and/or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers also shall satisfy any additional requirements that may be established by the State Personnel Board for the position of school attendance officer.

(4) It shall be the duty of each school attendance officer to:

(a) Cooperate with any public agency to locate and identify all compulsory-school-age children who are not attending school;

(b) Cooperate with all courts of competent jurisdiction;

(c) Investigate all cases of nonattendance and unlawful absences by compulsory-school-age children not enrolled in a nonpublic school;

(d) Provide appropriate counseling to encourage all school-age children to attend school until they have completed high school;

(e) Attempt to secure the provision of social or welfare services that may be required to enable any child to attend school;

(f) Contact the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child when the child is absent from school during school hours without a valid written excuse from school officials, and when the child is found, the officer shall notify the parents and school officials as to where the child was physically located;

(g) Contact promptly the home of each compulsory-school-age child in the school district within the officer's jurisdiction who is not enrolled in school or is not in attendance at public school and is without a valid written excuse from school officials; if no valid reason is found for the nonenrollment or absence from the school, the school attendance officer shall give written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance;

(h) Collect and maintain information concerning absenteeism, dropouts and other attendance-related problems, as may be required by law or the Office of Compulsory School Attendance Enforcement; and

(i) Perform all other duties relating to compulsory school attendance established by the State Department of Education or district school attendance supervisor, or both.

(5) While engaged in the performance of his duties, each school attendance officer shall carry on his person a badge identifying him as a school attendance officer under the Office of Compulsory School Attendance Enforcement of the State Department of Education and an identification card designed by the State Superintendent of Public Education and issued by the school attendance officer supervisor. Neither the badge nor the identification card shall bear the name of any elected public official.

(6) The State Personnel Board shall develop a salary scale for school attendance officers as part of the variable compensation plan. The various pay ranges of the salary scale shall be based upon factors including, but not limited to, education, professional certification and licensure, and number of years of experience. School attendance officers shall be paid in accordance with this salary scale. The minimum salaries under the scale shall be no less than the following:

(a) For school attendance officers holding a bachelor's degree or any other attendance officer who does not hold such a degree, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

Years of Experience	Salary
0-4 years	$24,528.29
5-8 years	26,485.29
9-12 years	28,050.89
13-16 years	29,616.49
Over 17 years	31,182.09

(b) For school attendance officers holding a license as a social worker, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

Years of Experience	Salary
0-4 years	$25,558.29
5-8 years	27,927.29
9-12 years	29,822.49
13-16 years	31,717.69
17-20 years	33,612.89
Over 21 years	35,415.39

(c) For school attendance officers holding a master's degree in a behavioral science or a related field, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

Years of Experience	Salary
0-4 years	$26,382.29
5-8 years	29,008.79
9-12 years	31,109.99
13-16 years	33,211.19
17-20 years	35,312.39
Over 21 years	37,413.59

(7)(a) Each school attendance officer employed by a district attorney on June 30, 1998, who became an employee of the State Department of Education on July 1, 1998, shall be awarded credit for personal leave and major medical leave for his continuous service as a school attendance officer under the district attorney, and if applicable, the youth or family court or a state agency. The credit for personal leave shall be in an amount equal to one-third (1/3) of the maximum personal leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-93 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. The credit for major medical leave shall be in an amount equal to one-half (1/2) of the maximum major medical leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-95 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. However, if a district attorney who employed a school attendance officer on June 30, 1998, certifies, in writing, to the State Department of Education that the school attendance officer had accumulated, pursuant to a personal leave policy or major medical leave policy lawfully adopted by the district attorney, a number of days of unused personal leave or major medical leave, or both, which is greater than the number of days to which the school attendance officer is entitled under this paragraph, the State Department of Education shall authorize the school attendance officer to retain the

actual unused personal leave or major medical leave, or both, certified by the district attorney, subject to the maximum amount of personal leave and major medical leave the school attendance officer could have accumulated had he been credited with such leave under Sections 25-3-93 and 25-3-95.

(b) For the purpose of determining the accrual rate for personal leave under Section 25-3-93 and major medical leave under Section 25-3-95, the State Department of Education shall give consideration to all continuous service rendered by a school attendance officer before July 1, 1998, in addition to the service rendered by the school attendance officer as an employee of the department.

(c) In order for a school attendance officer to be awarded credit for personal leave and major medical leave or to retain the actual unused personal leave and major medical leave accumulated by him before July 1, 1998, the district attorney who employed the school attendance officer must certify, in writing, to the State Department of Education the hire date of the school attendance officer. For each school attendance officer employed by the youth or family court or a state agency before being designated an employee of the district attorney who has not had a break in continuous service, the hire date shall be the date that the school attendance officer was hired by the youth or family court or state agency. The department shall prescribe the date by which the certification must be received by the department and shall provide written notice to all district attorneys of the certification requirement and the date by which the certification must be received.

(8)(a) School attendance officers shall maintain regular office hours on a year-round basis; however, during the school term, on those days that teachers in all of the school districts served by a school attendance officer are not required to report to work, the school attendance officer also shall not be required to report to work. (For purposes of this subsection, a school district's school term is that period of time identified as the school term in contracts entered into by the district with licensed personnel.) A school attendance officer shall be required to report to work on any day recognized as an official state holiday if teachers in any school district served by that school attendance officer are required to report to work on that day, regardless of the school attendance officer's status as an employee of the State Department of Education, and compensatory leave may not be awarded to the school attendance officer for working during that day. However, a school attendance officer may be allowed by the school attendance officer's supervisor to use earned leave on such days.

(b) The State Department of Education annually shall designate a period of six (6) consecutive weeks in the summer between school years during which school attendance officers shall not be required to report to work. A school attendance officer who elects to work at any time during that period may not be awarded compensatory leave for such work and may not opt to be absent from work at any time other than during the six (6) weeks designated by the department unless the school attendance officer uses personal leave or major medical leave accrued under Section 25-3-93 or 25-3-95 for such absence.

(9) The State Department of Education shall provide all continuing education and training courses that school attendance officers are required to complete under state law or rules and regulations of the department.

HISTORY: Laws, 1998, ch. 566, § 5; Laws, 1999, ch. 529, § 1; reenacted and amended, Laws, 2002, ch. 576, § 1; reenacted without change, Laws, 2002, ch. 610, § 5; reenacted without change, Laws, 2004, ch. 552, § 5; reenacted without change, Laws, 2009, ch. 345, § 19; Laws, 2014, ch. 491, § 8, eff from and after passage (approved April 15, 2014); Laws, 2020, ch. 315, § 1, eff from and after passage (approved June 22, 2020).

Amendment Notes — The 2020 amendment, effective June 22, 2020, in (6)(a), substituted "$24,528.39" for "$19,650.00," "26,485.29" for "21,550.00," "28,050.89" for "23,070.00," "29,616.49" for "24,590.00," and "31,182.09" for "26,110.00"; in (6)(b), substituted "$25,558.29" for "$20,650.00," "27,927.29" for "22,950.00," "29,822.49" for "24,790.00," "31,717.69" for "26,630.00," "33,612.89" for "28,470.00," and "35,415.39" for "30,310.00"; and in (6)(c), substituted "$26,382.29" for "$21,450.00," "29,008.79" for "24,000.00," "31,109.99" for "26,040.00," "33,211.19" for "28,080.00," "35,312.39" for "30,120.00," and "37,413.59" for "32,160.00."

SEX AND ABSTINENCE EDUCATION

Sec.

37-13-171. Implementation of abstinence-only or abstinence-plus education; State Department of Education approval of curriculum for sex-related education required; components of abstinence-only and abstinence-plus education; parent programs; separation of students by gender during sex-related education instruction [Repealed effective July 1, 2024].

§ 37-13-171. Implementation of abstinence-only or abstinence-plus education; State Department of Education approval of curriculum for sex-related education required; components of abstinence-only and abstinence-plus education; parent programs; separation of students by gender during sex-related education instruction [Repealed effective July 1, 2024].

(1) The local school board of every public school district shall adopt a policy to implement abstinence-only or abstinence-plus education into its curriculum by June 30, 2012, which instruction in those subjects shall be implemented not later than the start of the 2012-2013 school year or the local school board shall adopt the program which has been developed by the Mississippi Department of Human Services and the Mississippi Department of Health. The State Department of Education shall approve each district's curriculum for sex-related education and shall establish a protocol to be used by districts to provide continuity in teaching the approved curriculum in a manner that is age, grade and developmentally appropriate.

(2) Abstinence-only education shall remain the state standard for any sex-related education taught in the public schools. For purposes of this section,

abstinence-only education includes any type of instruction or program which, at an appropriate age and grade:

(a) Teaches the social, psychological and health gains to be realized by abstaining from sexual activity, and the likely negative psychological and physical effects of not abstaining;

(b) Teaches the harmful consequences to the child, the child's parents and society that bearing children out of wedlock is likely to produce, including the health, educational, financial and other difficulties the child and his or her parents are likely to face, as well as the inappropriateness of the social and economic burden placed on others;

(c) Teaches that unwanted sexual advances are irresponsible and teaches how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances;

(d) Teaches that abstinence from sexual activity before marriage, and fidelity within marriage, is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases and related health problems. The instruction or program may include a discussion on condoms or contraceptives, but only if that discussion includes a factual presentation of the risks and failure rates of those contraceptives. In no case shall the instruction or program include any demonstration of how condoms or other contraceptives are applied;

(e) Teaches the current state law related to sexual conduct, including forcible rape, statutory rape, paternity establishment, child support and homosexual activity; and

(f) Teaches that a mutually faithful, monogamous relationship in the context of marriage is the only appropriate setting for sexual intercourse.

(3) A program or instruction on sex-related education need not include every component listed in subsection (2) of this section for abstinence-only education. However, no program or instruction under an abstinence-only curriculum may include anything that contradicts the excluded components. For purposes of this section, abstinence-plus education includes every component listed under subsection (2) of this section that is age and grade appropriate, in addition to any other programmatic or instructional component approved by the department, which shall not include instruction and demonstrations on the application and use of condoms. Abstinence-plus education may discuss other contraceptives, the nature, causes and effects of sexually transmitted diseases, or the prevention of sexually transmitted diseases, including HIV/AIDS, along with a factual presentation of the risks and failure rates.

(4) Any course containing sex-related education offered in the public schools shall include instruction in either abstinence-only or abstinence-plus education.

(5) Local school districts, in their discretion, may host programs designed to teach parents how to discuss abstinence with their children.

(6) There shall be no effort in either an abstinence-only or an abstinence-plus curriculum to teach that abortion can be used to prevent the birth of a baby.

(7) At all times when sex-related education is discussed or taught, boys and girls shall be separated according to gender into different classrooms, sex-related education instruction may not be conducted when boys and girls are in the company of any students of the opposite gender.

(8) This section shall stand repealed on July 1, 2024.

HISTORY: Laws, 1998, ch. 510, § 1; Laws, 2011, ch. 430, § 1; Laws, 2016, ch. 389, § 1, eff from and after July 1, 2016; Laws, 2021, ch. 389, § 8, eff from and after July 1, 2021.

Amendment Notes — The 2021 amendment extended the date of the repealer for the section by substituting "July 1, 2024" for "July 1, 2021" in (8).

MISSISSIPPI COMPUTER SCIENCE AND CYBER EDUCATION EQUALITY ACT

Sec.

37-13-201. Short title.
37-13-203. Legislative findings.
37-13-205. Definitions.
37-13-207. K-12 computer science curriculum; subjects of instruction; implementation.
37-13-209. Review of district-submitted courses by Department of Education.
37-13-211. Annual training for teachers, counselors and administrators; report of strategic plan for statewide computer science education initiatives; annual report listing schools in each district teaching computer science and number of computer science teachers trained in each district.
37-13-213. Identification of preservice teacher preparation programs to allow for certification in computer science field.

§ 37-13-201. Short title.

Sections 37-13-201 through 37-13-213 shall be known and may be cited as the "Mississippi Computer Science and Cyber Education Equality Act."

HISTORY: Laws, 2021, ch. 389, § 1, eff from and after July 1, 2021.

§ 37-13-203. Legislative findings.

The Mississippi Legislature finds that:

(a) Education in computer science is a critical need for the students of Mississippi for the twenty-first century;

(b) More than half of high schools in Mississippi do not teach a computer science course; and

(c) The logical thinking skills taught by computer science are very valuable in many noncomputer science jobs, as technology has become embedded in most professions.

HISTORY: Laws, 2021, ch. 389, § 2, eff from and after July 1, 2021.

§ 37-13-205. Definitions.

As used in Sections 37-13-201 through 37-13-213, the following terms shall have the meaning ascribed in this section:

(a) "Computer science" means the study of computers, algorithmic processes, coding, and logical thinking, including computer principles, their hardware and software designs, their implementation and their impact on society.

(b) "Computer science courses" means high school and middle school courses that teach computer science as stand-alone implementations; and elementary curriculum that provides instruction in computer science as stand-alone implementations or embedded in other subjects and focuses on how to create and understand technology, rather than simply using technology.

(c) "Offer" means providing instruction at the elementary level with licensed teachers, and at the high school and middle school level as a course taught by a computer science teacher:

(i) Who is onsite at the physical location of the school; or

(ii) Who is not onsite at the physical location of the school but conducts the course through virtual means with a proctor onsite at the physical location of the school.

HISTORY: Laws, 2021, ch. 389, § 3, eff from and after July 1, 2021.

§ 37-13-207. K-12 computer science curriculum; subjects of instruction; implementation.

(1) The State Department of Education is authorized and directed to implement K-12 computer science curriculum based on the 2018 Mississippi College and Career-Readiness Standards for computer science, which includes instruction in, but not limited to:

(a) Computational thinking;

(b) Problem solving;

(c) Programming;

(d) Cyber security;

(e) Data science;

(f) Robotics;

(g) Artificial intelligence and machine learning; and

(h) Other computer science and cyber-related content.

(2) The State Department of Education shall work with the Center for Cyber Education at Mississippi State University to identify and develop K-12 computer science curriculum and delivery options.

(3) Beginning in the 2022-2023 school year:

(a) Each local school district shall provide that all middle schools in its school system offer instruction in foundations of computer science;

(b) Each local school district shall provide that fifty percent (50%) of elementary schools in its school system offer a minimum of one (1) hour of instruction in computer science each week;

(c) Each charter school that serves middle or high school students shall offer a course in computer science; and

(d) Each charter school that serves elementary school students shall offer instruction in computer science.

(4) Beginning in the 2023-2024 school year:

(a) Each local school district shall provide that at least fifty percent (50%) of the high schools in its school system offer a course in computer science;

(b) Each local school district shall provide that all elementary schools in its school system offer a minimum of one (1) hour of instruction in exploratory computer science each week.

(5) Beginning in the 2024-2025 school year, each local school district shall provide that all schools in its school system offer instruction in computer science.

HISTORY: Laws, 2021, ch. 389, § 4, eff from and after July 1, 2021.

§ 37-13-209. Review of district-submitted courses by Department of Education.

The State Department of Education shall review district-submitted courses to enable schools to utilize high quality online computer science courses to meet the needs of such schools as a result of Sections 37-13-201 through 37-13-213.

HISTORY: Laws, 2021, ch. 389, § 5, eff from and after July 1, 2021.

§ 37-13-211. Annual training for teachers, counselors and administrators; report of strategic plan for statewide computer science education initiatives; annual report listing schools in each district teaching computer science and number of computer science teachers trained in each district.

(1) Subject to appropriations made by the Legislature, the State Department of Education shall provide annual training for teachers, counselors and administrators in order to phase in the K-12 computer science curriculum. Preference should be given to districts who have the fewest number of teachers trained in computer science. The State Department of Education shall work with the Center for Cyber Education at Mississippi State University to develop and coordinate teacher training. The State Department of Education may contract with private and nonprofit providers for teacher training and for student instruction, and is encouraged to utilize available cost-free computer training, instruction and resources. Teachers may receive computer science instruction training through an online platform.

(2) The State Department of Education shall provide a report by January 1, 2022, to the Governor, the Lieutenant Governor, the Speaker of the House of

Representatives, the Chairman of the Senate Education Committee and the Chairman of the House Education Committee. The report shall include a strategic plan for statewide computer science education initiatives including, but not limited to, the following:

(i) A summary of the current state landscape for K-12 computer science education;

(ii) A plan for expanding computer science education opportunities to every school in the state by the 2024-2025 school year;

(iii) A plan for the development of preservice and in-service teachers seeking a computer science endorsement or course specific license, in order to meet the timeline for course requirements;

(iv) The development of a vetted list of approved vendors in computer science education that are recognized as high quality computer science courses or instruction, which should weigh preference on cost and ease of implementation; and

(v) The identification of approved computer science courses that may fulfill at least four (4) units of academic credit for high school graduation. The State Department of Education shall work with the Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board to approve these courses once identified.

(2) The State Department of Education shall submit a report by December 31 of each year through 2025 to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chairman of the Senate Education Committee and the Chairman of the House Education Committee. The report shall include a list of schools in each district teaching computer science and the number of computer science teachers trained in each district.

HISTORY: Laws, 2021, ch. 389, § 6, eff from and after July 1, 2021.

§ 37-13-213. Identification of preservice teacher preparation programs to allow for certification in computer science field.

The Board of Trustees of State Institutions of Higher Learning shall work with its member institutions to identify preservice teacher preparation programs to allow for certification in the computer science field.

HISTORY: Laws, 2021, ch. 389, § 7, eff from and after July 1, 2021.

CHAPTER 16.

STATEWIDE TESTING PROGRAM

Sec.

37-16-3. General powers and duties of department of education.
37-16-17. Career technical education pathways for students not pursuing baccalaureate degree; curriculum; dual-enrollment and dual-credit options.

§ 37-16-3. General powers and duties of department of education.

(1) The State Department of Education is directed to implement a program of statewide assessment testing which shall provide for the improvement of the operation and management of the public schools. The statewide program shall be timed, as far as possible, so as not to conflict with ongoing district assessment programs. As part of the program, the department shall:

(a) Establish, with the approval of the State Board of Education, minimum performance standards related to the goals for education contained in the state's plan including, but not limited to, basic skills in reading, writing and mathematics. The minimum performance standards shall be approved by April 1 in each year they are established.

(b) Conduct a uniform statewide testing program in grades deemed appropriate in the public schools, including charter schools, which shall include the administration of a career-readiness assessment, such as, but not limited to, the ACT WorkKeys Assessment, deemed appropriate by the Mississippi Department of Education working in coordination with the Office of Workforce Development, to any students electing to take the assessment. Each individual school district shall determine whether the assessment is administered in the tenth, eleventh or twelfth grade. The program may test skill areas, basic skills and high school course content.

(c) Monitor the results of the assessment program and, at any time the composite student performance of a school or basic program is found to be below the established minimum standards, notify the district superintendent or the governing board of the charter school, as the case may be, the school principal and the school advisory committee or other existing parent group of the situation within thirty (30) days of its determination. The department shall further provide technical assistance to a school district in the identification of the causes of this deficiency and shall recommend courses of action for its correction.

(d) Provide technical assistance to the school districts, when requested, in the development of student performance standards in addition to the established minimum statewide standards.

(e) Issue security procedure regulations providing for the security and integrity of the tests that are administered under the basic skills assessment program.

(f) In case of an allegation of a testing irregularity that prompts a need for an investigation by the Department of Education, the department may, in its discretion, take complete control of the statewide test administration in a school district or any part thereof, including, but not limited to, obtaining control of the test booklets and answer documents. In the case of any verified testing irregularity that jeopardized the security and integrity of the test(s), validity or the accuracy of the test results, the cost of the investigation and any other actual and necessary costs related to the investigation paid by the Department of Education shall be reimbursed by the local school district

from funds other than federal funds, Mississippi Adequate Education Program funds, or any other state funds within six (6) months from the date of notice by the department to the school district to make reimbursement to the department.

(2) Uniform basic skills tests shall be completed by each student in the appropriate grade. These tests shall be administered in such a manner as to preserve the integrity and validity of the assessment. In the event of excused or unexcused student absences, make-up tests shall be given. The school superintendent of every school district in the state and the principal of each charter school shall annually certify to the State Department of Education that each student enrolled in the appropriate grade has completed the required basic skills assessment test for his or her grade in a valid test administration.

(3) Within five (5) days of completing the administration of a statewide test, the principal of the school where the test was administered shall certify under oath to the State Department of Education that the statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The principal's sworn certification shall be set forth on a form developed and approved by the Department of Education. If, following the administration of a statewide test, the principal has reason to believe that the test was not administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education, the principal shall submit a sworn certification to the Department of Education setting forth all information known or believed by the principal about all potential violations of the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The submission of false information or false certification to the Department of Education by any licensed educator may result in licensure disciplinary action pursuant to Section 37-3-2 and criminal prosecution pursuant to Section 37-16-4.

HISTORY: Laws, 1982, Ex Sess, ch. 17, § 30(2); Laws, 1987, ch. 446, § 1; Laws, 1988, ch. 372, § 1; Laws, 2010, ch. 482, § 1; Laws, 2013, ch. 497, § 66; Laws, 2015, ch. 470, § 3, eff from and after passage (approved Apr. 22, 2015); Laws, 2022, ch. 370, § 9, eff from and after July 1, 2022.

Amendment Notes — The 2022 amendment, in (1), added "which shall include...to any students electing to take the assessment" in the first sentence, and added the second sentence.

§ 37-16-17. Career technical education pathways for students not pursuing baccalaureate degree; curriculum; dual-enrollment and dual-credit options.

(1) **Purpose.**

(a) The purpose of this section is to create a quality option in Mississippi's high schools for students not wishing to pursue a baccalaureate degree, which shall consist of challenging academic courses and modern career-technical studies. The goal for students pursuing the career technical

education pathways is to graduate from high school with a standard diploma and credit toward a community college certification in a career-technical field. These students also shall be encouraged to take the national assessment in the career-technical field in which they become certified.

(b) The State Board of Education shall develop and adopt course and curriculum requirements for career technical education pathways offered by local public school boards in accordance with this section. The Mississippi Community College Board and the State Board of Education jointly shall determine course and curriculum requirements for the career technical education pathways. The State Board of Education shall require school districts to provide notice to all incoming middle school students and junior high students of the career technical education pathways offered by local school boards. Such notice shall include the career technical education pathways available, the course requirements of each pathway, how to enroll in the pathway and any other necessary information as determined by the State Board of Education.

(2) **Career technical education pathway; description; curriculum.**

(a) A career technical education pathway shall provide a student with greater technical skill and a strong academic core and shall be offered to each high school student enrolled in a public school district. The career technical education pathway shall be linked to postsecondary options and shall prepare students to pursue either a degree or certification from a postsecondary institution, an industry-based training or certification, an apprenticeship, the military, or immediate entrance into a career field. The career technical education pathway shall provide students with alternatives to entrance into a four-year university or college after high school graduation.

(b) Students pursuing a career technical education pathway shall be afforded the opportunity to dually enroll in a community or technical college or to participate in a business internship or work-study program, when such opportunities are available and appropriate.

(c) Each public school district shall offer a career technical education pathway approved by the State Board of Education.

(d) Students in a career technical education pathway shall complete an academic core of courses and a career and technical sequence of courses.

(e) Students pursuing a career technical education pathway must complete the twenty-four (24) course unit requirements for a regular high school diploma, which may include, but not be limited to the following course content:

(i) English I;
(ii) English II;
(iii) Technical writing;
(iv) Computer programming;
(v) Algebra I;
(vi) Personal Finance;
(vii) Advanced technical mathematics;

(viii) Computer Science;
(ix) Biology;
(x) Earth and Space Science;
(xi) U.S. History;
(xii) Mississippi Studies/U.S. Government;
(xiii) Health;
(xiv) Physical Education;
(xv) Soft skills, which include, but are not limited to, communication ability, language skills, time management, teamwork and leadership traits;
(xvi) Career technical education pathway courses; and
(xvii) Integrated technology.

Academic courses within the career technical education pathway of the standard diploma shall provide the knowledge and skill necessary for proficiency on the state subject area tests.

(f) The courses provided in paragraph (e) of this subsection may be tailored to the individual needs of the school district as long as the amendments align with the basic course requirements of paragraph (e).

(3) Nothing in this section shall disallow the development of a dual enrollment program with a technical college so long as an individual school district, with approval from the State Department of Education, agrees to implement such a program in connection with a technical college and the agreement is also approved by the proprietary school's commission.

HISTORY: Laws, 2010, ch. 381, § 1; Laws, 2011, ch. 517, § 1; Laws, 2014, ch. 397, § 18; Laws, 2017, ch. 438, § 2, eff from and after July 1, 2017; Laws, 2022, ch. 370, § 10, eff from and after July 1, 2022.

Amendment Notes — The 2022 amendment rewrote the section to change references to "career track" and "career track programs" to "career technical education pathways," to provide the curriculum that may be included in career technical education pathways, and to provide that the career technical education pathways courses may be tailored to the individual needs of each school district.

CHAPTER 17.

ACCREDITATION OF SCHOOLS

Sec.

37-17-3. Creation of Commission on School Accreditation; composition; qualifications, appointment, terms of office and compensation of members; expenses of commission.
37-17-6. Establishment and implementation of permanent performance-based accreditation system; particular accreditation requirements; accreditation audits and reviews; development program for schools failing to meet standards; establishment of a Mississippi Recovery School District; declaration of state of emergency in school district.
37-17-13. Abolition of school districts declared to be in state of emergency; powers of board of education with regard to such school districts; reconstitution, etc., of districts; alternative procedures for appointment of new local school board for district [Subsection 4 repealed effective July 1, 2023].

§ 37-17-3. Creation of Commission on School Accreditation; composition; qualifications, appointment, terms of office and compensation of members; expenses of commission.

The Commission on School Accreditation created under this section is hereby continued and reconstituted as follows:

The State Board of Education shall appoint a "Commission on School Accreditation" to be composed of fifteen (15) qualified members. The membership of said commission shall be composed of the following: two (2) classroom teachers, two (2) principals of schools, one (1) administrator with expertise in special education representing exceptional schools and students, one (1) superintendent of a separate school district, one (1) superintendent of a county or other school district, one (1) local school board member from a separate school district; one (1) local school board member from a county or other school district; and six (6) members who are not actively engaged in the education profession. Members of the commission serving on July 1, 1994, shall continue to serve until their term of office expires. No new appointments shall be made until such time as the expiration of a member's term has reduced the commission to less than fifteen (15) members, at which time new appointments shall be made from the categories specified hereinabove. The membership of said commission shall be appointed by the board upon recommendation of the State Superintendent of Public Education. In making the first appointments, five (5) members shall be appointed for a term of one (1) year, five (5) members shall be appointed for a term of two (2) years, five (5) members shall be appointed for a term of three (3) years, and five (5) members shall be appointed for a term of four (4) years. Thereafter, all members shall be appointed for a term of four (4) years. Said commission shall meet upon call of the State Superintendent of Public Education. The commission shall consist of three (3) members from each of the four (4) congressional districts, and three (3) members from the state at large. Each member of said commission shall receive the per diem authorized by Section 25-3-69, Mississippi Code of 1972, plus actual and necessary expenses and mileage as authorized by Section 25-3-41, Mississippi Code of 1972, for each day actually spent in attending the meetings of the commission. The expenses of said commission shall be paid out of any funds available for the operation of the central office of the State Department of Education.

HISTORY: Codes, 1942, § 6244-22; Laws, 1970, ch. 366, § 2; Laws, 1986, ch. 432, § 3; Laws, 1989, ch. 418, § 1; Laws, 1992, ch. 524, § 10; Laws, 1994, ch. 376, § 1; Laws, 1994, ch. 581, § 6, eff from and after July 1, 1994; Laws, 2021, ch. 405, § 1, eff from and after March 25, 2021.

Amendment Notes — The 2021 amendment, effective March 25, 2021, in the second paragraph, in the second sentence, inserted "one (1) administrator... schools and students" and substituted "six (6) members" for "seven (7) members," rewrote the former ninth sentence, which read: "There shall be three (3) members of said commission from each congressional district," and in the last sentence, inserted "central office of the."

§ 37-17-6. Establishment and implementation of permanent performance-based accreditation system; particular accreditation requirements; accreditation audits and reviews; development program for schools failing to meet standards; establishment of a Mississippi Recovery School District; declaration of state of emergency in school district.

(1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all noncharter public elementary and secondary schools shall be accredited under this system.

(2) No later than June 30, 1995, the State Board of Education, acting through the Commission on School Accreditation, shall require school districts to provide school classroom space that is air-conditioned as a minimum requirement for accreditation.

(3)(a) Beginning with the 1994-1995 school year, the State Board of Education, acting through the Commission on School Accreditation, shall require that school districts employ certified school librarians according to the following formula:

Number of Students Per School Library	Number of Certified School Librarians
0 - 499 Students	1/2 Full-time Equivalent Certified Librarian
500 or More Students	1 Full-time Certified Librarian

(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

(c) The assignment of certified school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

(d) School librarians in the district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities that are library related.

(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

(f) Any additional millage levied to fund school librarians required for accreditation under this subsection shall be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual noncharter public schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the school and school district accreditation rating system to a simple "A," "B," "C," "D," and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide

testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

(h) Development of a comprehensive student assessment system to implement these requirements; and

(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school year. The State Board of Education upon finding an extreme hardship in the school district may grant the request. It is the intent of the Legislature that all school districts maintain the highest possible academic standards and instructional programs in all schools as required by law and the State Board of Education.

(5)(a) Effective with the 2013-2014 school year, the State Department of Education, acting through the Mississippi Commission on School Accreditation, shall revise and implement a single "A" through "F" school and school district accountability system complying with applicable federal and state requirements in order to reach the following educational goals:

(i) To mobilize resources and supplies to ensure that all students exit third grade reading on grade level by 2015;

(ii) To reduce the student dropout rate to thirteen percent (13%) by 2015; and

(iii) To have sixty percent (60%) of students scoring proficient and advanced on the assessments of the Common Core State Standards by 2016 with incremental increases of three percent (3%) each year thereafter.

(b) The State Department of Education shall combine the state school and school district accountability system with the federal system in order to have a single system.

(c) The State Department of Education shall establish five (5) performance categories ("A," "B," "C," "D" and "F") for the accountability system based on the following criteria:

(i) Student Achievement: the percent of students proficient and advanced on the current state assessments;

(ii) Individual student growth: the percent of students making one (1) year's progress in one (1) year's time on the state assessment, with an emphasis on the progress of the lowest twenty-five percent (25%) of students in the school or district;

(iii) Four-year graduation rate: the percent of students graduating with a standard high school diploma in four (4) years, as defined by federal regulations;

(iv) Categories shall identify schools as Reward ("A" schools), Focus ("D" schools) and Priority ("F" schools). If at least five percent (5%) of schools in the state are not graded as "F" schools, the lowest five percent

(5%) of school grade point designees will be identified as Priority schools. If at least ten percent (10%) of schools in the state are not graded as "D" schools, the lowest ten percent (10%) of school grade point designees will be identified as Focus schools;

(v) The State Department of Education shall discontinue the use of Star School, High-Performing, Successful, Academic Watch, Low-Performing, At-Risk of Failing and Failing school accountability designations;

(vi) The system shall include the federally compliant four-year graduation rate in school and school district accountability system calculations. Graduation rate will apply to high school and school district accountability ratings as a compensatory component. The system shall discontinue the use of the High School Completer Index (HSCI);

(vii) The school and school district accountability system shall incorporate a standards-based growth model, in order to support improvement of individual student learning;

(viii) The State Department of Education shall discontinue the use of the Quality Distribution Index (QDI);

(ix) The State Department of Education shall determine feeder patterns of schools that do not earn a school grade because the grades and subjects taught at the school do not have statewide standardized assessments needed to calculate a school grade. Upon determination of the feeder pattern, the department shall notify schools and school districts prior to the release of the school grades beginning in 2013. Feeder schools will be assigned the accountability designation of the school to which they provide students;

(x) Standards for student, school and school district performance will be increased when student proficiency is at a seventy-five percent (75%) and/or when sixty-five percent (65%) of the schools and/or school districts are earning a grade of "B" or higher, in order to raise the standard on performance after targets are met;

(xi) The system shall include student performance on the administration of a career-readiness assessment, such as, but not limited to, the ACT WorkKeys Assessment, deemed appropriate by the Mississippi Department of Education working in coordination with the Office of Workforce Development.

(6) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

(7) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.

(8) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(9) [Deleted]

(10) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (15) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (15) of this section have been invoked.

(11) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve: (i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or financial assistance to all such school districts in order to implement each measure identified in that district's corrective action plan through professional development and on-site assistance. Each such school district shall apply for and utilize all available federal funding in order to support its corrective action plan in addition to state funds made available under this paragraph;

(d) Assign department personnel or contract, in its discretion, with the institutions of higher learning or other appropriate private entities with experience in the academic, finance and other operational functions of schools to assist school districts;

(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report; and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

(12)(a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Additionally, if the local school district violates accreditation standards that have been determined by the policies and procedures of the State Board of Education to be a basis for withdrawal of school district's accreditation without a probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. After its consideration of the results of the hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district.

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, or when a school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years, or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, the declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, the State Board of Education may take one or more of the following actions:

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided in Section 206,

Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of funds. The funds may be released from escrow for any program which the board determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole;

(ii) Override any decision of the local school board or superintendent of education, or both, concerning the management and operation of the school district, or initiate and make decisions concerning the management and operation of the school district;

(iii) Assign an interim superintendent, or in its discretion, contract with a private entity with experience in the academic, finance and other operational functions of schools and school districts, who will have those powers and duties prescribed in subsection (15) of this section;

(iv) Grant transfers to students who attend this school district so that they may attend other accredited schools or districts in a manner that is not in violation of state or federal law;

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for the consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

(vi) For states of emergency declared under paragraph (b) only, reduce local supplements paid to school district employees, including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent that will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

(vii) For states of emergency declared under paragraph (b) only, the State Board of Education may take any action as prescribed in Section 37-17-13.

(d) At the time that satisfactory corrective action has been taken in a school district in which a state of emergency has been declared, the State Board of Education may request the Governor to declare that the state of emergency no longer exists in the district.

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the

Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b). In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by the Commission on School Accreditation that has granted the transfer of the school-age child.

(f) Upon the declaration of a state of emergency for any school district in which the Governor has previously declared a state of emergency, the State Board of Education may either:

(i) Place the school district into district transformation, in which the school district shall remain until it has fulfilled all conditions related to district transformation. If the district was assigned an accreditation rating of "D" or "F" when placed into district transformation, the district shall be eligible to return to local control when the school district has attained a "C" rating or higher for five (5) consecutive years, unless the State Board of Education determines that the district is eligible to return to local control in less than the five-year period;

(ii) Abolish the school district and administratively consolidate the school district with one or more existing school districts;

(iii) Reduce the size of the district and administratively consolidate parts of the district, as determined by the State Board of Education. However, no school district which is not in district transformation shall be required to accept additional territory over the objection of the district; or

(iv) Require the school district to develop and implement a district improvement plan with prescriptive guidance and support from the State Department of Education, with the goal of helping the district improve student achievement. Failure of the school board, superintendent and school district staff to implement the plan with fidelity and participate in the activities provided as support by the department shall result in the school district retaining its eligibility for district transformation.

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to district transformation status, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2) chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee the interim superintendent assigned by the State Board of Education to a local

school district, hear appeals that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged to be interim superintendents and financial advisors, if applicable, of all school districts subject to district transformation status. After State Board of Education approval, these individuals shall be deemed independent contractors.

(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the district's impairment deficiencies, conditions of any district transformation status and corrective actions recommended and being taken. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

Upon termination of the state of emergency in a school district, the Commission on School Accreditation shall cause notice to be published in the school district in the same manner provided in this section, to include any or all details relating to the corrective action taken in the school district that resulted in the termination of the state of emergency.

(14) The State Board of Education or the Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.

Nothing in this section shall be construed to grant any individual, corporation, board or interim superintendent the authority to levy taxes except in accordance with presently existing statutory provisions.

(15)(a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (12) of this section, the State Board of Education, in its discretion, may assign an interim superintendent to the school district, or in its discretion, may contract with an appropriate private entity with experience in the academic, finance and other operational functions of schools and school districts, who will be responsible for the administration, management and operation of the school district, including, but not limited to, the following activities:

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim superintendent shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;

(ii) Supervising the day-to-day activities of the district's staff, including reassigning the duties and responsibilities of personnel in a manner which, in the determination of the interim superintendent, will best suit the needs of the district;

(iii) Reviewing the district's total financial obligations and operations and making recommendations to the district for cost savings, including, but not limited to, reassigning the duties and responsibilities of staff;

(iv) Attending all meetings of the district's school board and administrative staff;

(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

(vi) Maintaining a detailed account of recommendations made to the district and actions taken in response to those recommendations;

(vii) Reporting periodically to the State Board of Education on the progress or lack of progress being made in the district to improve the district's impairments during the state of emergency; and

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district that may make recommendations to the interim superintendent concerning the administration, management and operation of the school district.

The cost of the salary of the interim superintendent and any other actual and necessary costs related to district transformation status paid by the State Department of Education shall be reimbursed by the local school district from funds other than adequate education program funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the powers and responsibilities of the interim superintendent assigned to the district shall cease.

(b) In order to provide loans to school districts under a state of emergency or in district transformation status that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars ($3,000,000.00) annually shall not lapse but shall be available for expenditure in subsequent years subject to approval of the State Board of Education. Any amount in the fund in excess of Three Million Dollars ($3,000,000.00) at the end of the fiscal year shall lapse into the State General Fund or the Education Enhancement Fund, depending on the source of the fund.

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or in district transformation status, in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the School District Emergency Assistance Fund by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.

The State Board of Education shall develop a protocol that will outline the performance standards and requisite timeline deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

(16) If a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim superintendent, who shall be responsible for the adminis-

tration, management and operation of the school district until the time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (12), whichever occurs first. In that case, the State Board of Education, acting through the interim superintendent, shall have all powers which were held by the previously existing school board, and may take any action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

(17)(a) If the Governor declares a state of emergency in a school district, the State Board of Education may take all such action pertaining to that school district as is authorized under subsection (12) or (15) of this section, including the appointment of an interim superintendent. The State Board of Education shall also have the authority to issue a written request with documentation to the Governor asking that the office of the superintendent of the school district be subject to recall. If the Governor declares that the office of the superintendent of the school district is subject to recall, the local school board or the county election commission, as the case may be, shall take the following action:

(i) If the office of superintendent is an elected office, in those years in which there is no general election, the name shall be submitted by the State Board of Education to the county election commission, and the county election commission shall submit the question at a special election to the voters eligible to vote for the office of superintendent within the county, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Shall County Superintendent of Education _____ (here the name of the superintendent shall be inserted) of the _____ (here the title of the school district shall be inserted) be retained in office? Yes _____ No _____"

If a majority of those voting on the question votes against retaining the superintendent in office, a vacancy shall exist which shall be filled in the manner provided by law; otherwise, the superintendent shall remain in office for the term of that office, and at the expiration of the term shall be eligible for qualification and election to another term or terms.

(ii) If the office of superintendent is an appointive office, the name of the superintendent shall be submitted by the president of the local school board at the next regular meeting of the school board for retention in office or dismissal from office. If a majority of the school board voting on the question vote against retaining the superintendent in office, a vacancy shall exist which shall be filled as provided by law, otherwise the superintendent shall remain in office for the duration of his employment contract.

(b) The State Board of Education may issue a written request with documentation to the Governor asking that the membership of the school board of the school district shall be subject to recall. Whenever the Governor declares that the membership of the school board is subject to recall, the

county election commission or the local governing authorities, as the case may be, shall take the following action:

(i) If the members of the local school board are elected to office, in those years in which the specific member's office is not up for election, the name of the school board member shall be submitted by the State Board of Education to the county election commission, and the county election commission at a special election shall submit the question to the voters eligible to vote for the particular member's office within the county or school district, as the case may be, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Members of the _____ (here the title of the school district shall be inserted) School Board who are not up for election this year are subject to recall because of the school district's failure to meet critical accountability standards as defined in the letter of notification to the Governor from the State Board of Education. Shall the member of the school board representing this area, _____ (here the name of the school board member holding the office shall be inserted), be retained in office? Yes _____ No _____"

If a majority of those voting on the question vote against retaining the member of the school board in office, a vacancy in that board member's office shall exist, which shall be filled in the manner provided by law; otherwise, the school board member shall remain in office for the term of that office, and at the expiration of the term of office, the member shall be eligible for qualification and election to another term or terms of office. However, if a majority of the school board members are recalled in the special election, the Governor shall authorize the board of supervisors of the county in which the school district is situated to appoint members to fill the offices of the members recalled. The board of supervisors shall make those appointments in the manner provided by law for filling vacancies on the school board, and the appointed members shall serve until the office is filled at the next regular special election or general election.

(ii) If the local school board is an appointed school board, the name of all school board members shall be submitted as a collective board by the president of the municipal or county governing authority, as the case may be, at the next regular meeting of the governing authority for retention in office or dismissal from office. If a majority of the governing authority voting on the question vote against retaining the board in office, a vacancy shall exist in each school board member's office, which shall be filled as provided by law; otherwise, the members of the appointed school board shall remain in office for the duration of their term of appointment, and those members may be reappointed.

(iii) If the local school board is comprised of both elected and appointed members, the elected members shall be subject to recall in the manner provided in subparagraph (i) of this paragraph (b), and the

appointed members shall be subject to recall in the manner provided in subparagraph (ii).

(18) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.

(19) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high performing. The program shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

The State Superintendent of Public Education and the State Board of Education also shall develop a comprehensive accountability plan to ensure that local school boards, superintendents, principals and teachers are held accountable for student achievement. A written report on the accountability plan shall be submitted to the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.

(20) Before January 1, 2008, the State Board of Education shall evaluate and submit a recommendation to the Education Committees of the House of Representatives and the Senate on inclusion of graduation rate and dropout rate in the school level accountability system.

(21) If a local school district is determined as failing and placed into district transformation status for reasons authorized by the provisions of this section, the interim superintendent appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of district transformation status to the deputy superintendent. A copy of the interim superintendent's corrective action plan shall also be filed with the State Board of Education.

HISTORY: Laws, 1982, Ex Sess, ch. 17, § 12; Laws, 1985, ch. 398; Laws, 1991, ch. 471, § 1; Laws, 1994, ch. 581, § 7; Laws, 1996, ch. 302, § 1; Laws, 1997, ch. 386, § 3; Laws, 1997, ch. 336, § 1; Laws, 1998, ch. 497, § 3; Laws, 1999, ch. 421, § 3; Laws, 2000, ch. 533, § 6; Laws, 2000, ch. 610, §§ 6, 7; Laws, 2005, 5th Ex Sess, ch. 2, § 1; Laws, 2007, ch. 518, § 1; Laws, 2009, ch. 516, § 3; Laws, 2010, ch. 420, § 1; Laws, 2011, ch. 442, § 5; Laws, 2011, ch. 515, § 1; Laws, 2012, ch. 525, § 1; Laws, 2012, ch. 563, § 1; Laws, 2013, ch. 497, § 68; Laws, 2013, ch. 563, § 1; Laws, 2016, ch. 424, § 2; Laws, 2017, ch. 439, § 1, eff from and after July 1, 2017; Laws, 2022, ch. 370, § 7, eff from and after July 1, 2022.

Amendment Notes — The 2022 amendment added (5)(c)(xi).

§ 37-17-13. Abolition of school districts declared to be in state of emergency; powers of board of education with regard to such school districts; reconstitution, etc., of districts; alternative procedures for appointment of new local school board for district [Subsection 4 repealed effective July 1, 2023].

(1) Whenever the Governor declares a state of emergency in a school district in response to a certification by the State Board of Education and the Commission on School Accreditation made under Section 37-17-6(12)(b), the State Board of Education, in addition to any actions taken under Section 37-17-6, may abolish the school district and assume control and administration of the schools formerly constituting the district, and appoint an interim superintendent to carry out this purpose under the direction of the State Board of Education. In such case, the State Board of Education shall have all powers which were held by the previously existing school board, and the previously existing superintendent of schools or county superintendent of education, including, but not limited to, those enumerated in Section 37-7-301, and the authority to request tax levies from the appropriate governing authorities for the support of the schools and to receive and expend the tax funds as provided by Section 37-57-1 et seq. and Section 37-57-105 et seq.

(2) When a school district is abolished under this section, loans from the School District Emergency Assistance Fund may be made by the State Board of Education for the use and benefit of the schools formerly constituting the district in accordance with the procedures set forth in Section 37-17-6(15) for such loans to the district. The abolition of a school district under this section shall not impair or release the property of that school district from liability for the payment of the loan indebtedness, and it shall be the duty of the appropriate governing authorities to levy taxes on the property of the district so abolished from year to year according to the terms of the indebtedness until same shall be fully paid.

(3) After a school district is abolished under this section, at such time as the State Board of Education determines that the impairments have been substantially corrected after a period of maintaining a "C" accountability rating for five (5) consecutive years, unless the State Board of Education determines that the district is eligible to return to local control in less than the five-year period, the State Board of Education shall reconstitute, reorganize or change or alter the boundaries of the previously existing district; however, no partition or assignment of territory formerly included in the abolished district to one or more other school districts may be made by the State Board of Education without the consent of the school board of the school district to which such territory is to be transferred, such consent to be spread upon its minutes. At that time, the State Board of Education, in appropriate cases, shall notify the appropriate governing authority or authorities of its action and request them to provide for the election or appointment of school board members in the manner provided by law. In the event the applicable statute

provides that vacancies in an all-elected membership of the school board will be filled by appointment by the remaining members of the school board and no members of the school board remain in office, the Governor shall call a special election to fill the vacancies. In such situations, the Governor will set the date of the special election and the election will be conducted by the county election commission. The State Board of Education shall also request the governing authority or authorities to provide for the appointment of a superintendent or superintendents to govern the reconstituted, reorganized or changed district or districts, which such appointed position shall apply in all school districts including those school districts in which the position of superintendent was previously an elected office. A board member or superintendent in office at the time the Governor declares a state of emergency in a school district to be abolished shall not be eligible to serve in that office for the school district reconstituted, reorganized or changed after the Governor declares that an emergency no longer exists.

(4) As an alternative to the procedure set forth in subsection (3), in the event a local school board is abolished by the State Board of Education pursuant to this section, after the State Board of Education determines that the impairments are being substantially corrected and the responsibility of the district transformation in such district upon the conclusion of the final scholastic year in which a district has maintained a "C" accountability rating for five (5) consecutive years, unless the State Board of Education determines that the district is eligible to return to local control in less than the five-year period, the State Board of Education may appoint a new five-member board for the administration of the school district and shall notify the local county board of supervisors and/or municipal governing authority of such appointment, spreading the names of the new school board members on its minutes. The new local school board members shall be residents of the school district. The new local school board members appointed by the State Board of Education may serve in an advisory capacity to the interim superintendent for its first year of service and thereafter shall have full responsibility to administer the school district. Thirty (30) days prior to the end of the first year of office as an advisory board, each member shall draw lots to determine when the members shall rotate off the board as follows: one (1) member shall serve a one-year term of office; one (1) member shall serve a two-year term of office; one (1) member shall serve a three-year term of office; one (1) member shall serve a four-year term of office; and one (1) member shall serve a five-year term of office. At that time, the State Board of Education shall notify the appropriate board of supervisors or municipal governing authority of this action and request them to provide for the election or appointment of school board members at the end of the terms of office in the manner provided by law, in order for the local residents of the school district to select a new school board on a phased-in basis. In such situations, the Governor will set the date of any necessary special election which shall be conducted by the county election commission. The State Board of Education shall also request the new school board to provide for the appointment of a superintendent to govern the reconstituted or

reorganized school district, including those school districts in which the position of superintendent was previously an elected office. A board member or superintendent in office at the time the Governor declares a state of emergency in a school district shall not be eligible to serve in the office of school board member or superintendent for the school district reconstituted or reorganized following the district transformation period.

This subsection (4) shall stand repealed from and after July 1, 2023.

HISTORY: Laws, 1996, ch. 302, § 2; Laws, 1999, ch. 421, § 4; Laws, 2007, ch. 518, § 2; Laws, 2012, ch. 525, § 2; Laws, 2013, ch. 331, § 1; Laws, 2013, ch. 363, § 1; Laws, 2015, ch. 485, § 1; Laws, 2017, ch. 439, § 2, eff from and after July 1, 2017; Laws, 2020, ch. 340, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment extended the date of the repealer for (4) by substituting "July 1, 2023" for "July 1, 2020" in the last paragraph.

CHAPTER 19.

TEACHER COMPENSATION

Sec.

37-19-7. Scale of teachers' salaries; experience increases; salary supplement for certain school employees.

§ 37-19-7. Scale of teachers' salaries; experience increases; salary supplement for certain school employees.

(1) The allowance in the Mississippi Adequate Education Program for teachers' salaries in each public school district shall be determined and paid in accordance with the scale for teachers' salaries as provided in this subsection. For teachers holding the following types of licenses or the equivalent as determined by the State Board of Education, and the following number of years of teaching experience, the scale shall be as follows:

2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE

Exp.	AAAA	AAA	AA	A
0	45,500.00	44,000.00	43,000.00	41,500.00
1	46,100.00	44,550.00	43,525.00	41,900.00
2	46,700.00	45,100.00	44,050.00	42,300.00
3	47,300.00	45,650.00	44,575.00	42,700.00
4	47,900.00	46,200.00	45,100.00	43,100.00
5	49,250.00	47,500.00	46,350.00	44,300.00
6	49,850.00	48,050.00	46,875.00	44,700.00
7	50,450.00	48,600.00	47,400.00	45,100.00
8	51,050.00	49,150.00	47,925.00	45,500.00
9	51,650.00	49,700.00	48,450.00	45,900.00

10	53,000.00	51,000.00	49,700.00	47,100.00
11	53,600.00	51,550.00	50,225.00	47,500.00
12	54,200.00	52,100.00	50,750.00	47,900.00
13	54,800.00	52,650.00	51,275.00	48,300.00
14	55,400.00	53,200.00	51,800.00	48,700.00
15	56,750.00	54,500.00	53,050.00	49,900.00
16	57,350.00	55,050.00	53,575.00	50,300.00
17	57,950.00	55,600.00	54,100.00	50,700.00
18	58,550.00	56,150.00	54,625.00	51,100.00
19	59,150.00	56,700.00	55,150.00	51,500.00
20	60,500.00	58,000.00	56,400.00	52,700.00
21	61,100.00	58,550.00	56,925.00	53,100.00
22	61,700.00	59,100.00	57,450.00	53,500.00
23	62,300.00	59,650.00	57,975.00	53,900.00
24	62,900.00	60,200.00	58,500.00	54,300.00
25	65,400.00	62,700.00	61,000.00	56,800.00
26	66,000.00	63,250.00	61,525.00	57,200.00
27	66,600.00	63,800.00	62,050.00	57,600.00
28	67,200.00	64,350.00	62,575.00	58,000.00
29	67,800.00	64,900.00	63,100.00	58,400.00
30	68,400.00	65,450.00	63,625.00	58,800.00
31	69,000.00	66,000.00	64,150.00	59,200.00
32	69,600.00	66,550.00	64,675.00	59,600.00
33	70,200.00	67,100.00	65,200.00	60,000.00
34	70,800.00	67,650.00	65,725.00	60,400.00
35 & above	71,400.00	68,200.00	66,250.00	60,800.00

It is the intent of the Legislature that any state funds made available for salaries of licensed personnel in excess of the funds paid for such salaries for the 1986-1987 school year shall be paid to licensed personnel pursuant to a personnel appraisal and compensation system implemented by the State Board of Education. The State Board of Education shall have the authority to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

All teachers employed on a full-time basis shall be paid a minimum salary in accordance with the above scale. However, no school district shall receive any funds under this section for any school year during which the local supplement paid to any individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year. The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.

The level of professional training of each teacher to be used in establishing the salary allotment for the teachers for each year shall be determined by the type of valid teacher's license issued to those teachers on or before October 1 of

the current school year. However, school districts are authorized, in their discretion, to negotiate the salary levels applicable to licensed employees who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided above in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(2)(a) The following employees shall receive an annual salary supplement in the amount of Six Thousand Dollars ($6,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National Board for Professional Teaching Standards and who is employed by a local school board or the State Board of Education as a teacher and not as an administrator. Such teacher shall submit documentation to the State Department of Education that the certificate was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the teacher shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(ii) A licensed nurse who has met the requirements and acquired a certificate from the National Board for Certification of School Nurses, Inc., and who is employed by a local school board or the State Board of Education as a school nurse and not as an administrator. The licensed school nurse shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school nurse shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the Master Teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Compe-

tence from the American Speech-Language-Hearing Association and any certified academic language therapist (CALT) who has met the certification requirements of the Academic Language Therapy Association and who is employed by a local school board. The licensed speech-language pathologist and audiologist and certified academic language therapist shall submit documentation to the State Department of Education that the certificate or endorsement was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist and certified academic language therapist shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(v) Any licensed athletic trainer who has met the requirements and acquired Board Certification for the Athletic Trainer from the Board of Certification, Inc., and who is employed by a local school board or the State Board of Education as an athletic trainer and not as an administrator. The licensed athletic trainer shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed athletic trainer shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(b) An employee shall be reimbursed for the actual cost of completing each component of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars ($500.00) for each component, not to exceed four (4) components, for a teacher, school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. A local school district or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its adequate education program allotments and not a part thereof in accordance with regulations promulgated by the State Board of Education. Local school districts shall not reduce the local supplement paid to any employee

receiving such salary supplement, and the employee shall receive any local supplement to which employees with similar training and experience otherwise are entitled. However, an educational employee shall receive the salary supplement in the amount of Six Thousand Dollars ($6,000.00) for only one (1) of the qualifying certifications authorized under paragraph (a) of this subsection. No school district shall provide more than one (1) annual salary supplement under the provisions of this subsection to any one (1) individual employee holding multiple qualifying national certifications.

(d) If an employee for whom such cost has been paid, in full or in part, by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

(3) The following employees shall receive an annual salary supplement in the amount of Four Thousand Dollars ($4,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

Effective July 1, 2016, if funds are available for that purpose, any licensed teacher who has met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards and who is employed in a public school district located in one (1) of the following counties: Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary supplement awarded under the provisions of this subsection (3) shall be in addition to the salary supplement awarded under the provisions of subsection (2) of this section.

Teachers who meet the qualifications for a salary supplement under this subsection (3) who are assigned for less than one (1) full year or less than full time for the school year shall receive the salary supplement in a prorated manner, with the portion of the teacher's assignment to the critical geographic area to be determined as of June 15th of the school year.

(4)(a) This section shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only after full funding of MAEP and if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding licensed teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi's teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate

each school's performance as determined by the school's increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the end of each year, after all student achievement scores have been standardized, the State Department of Education shall implement the MPBP plan.

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in student achievement at individual schools and other measures deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria.

(5)(a) If funds are available for that purpose, each school in Mississippi shall have mentor teachers, as defined by Sections 37-9-201 through 37-9-213, who shall receive additional base compensation provided for by the State Legislature in the amount of One Thousand Dollars ($1,000.00) per each beginning teacher that is being mentored. The additional state compensation shall be limited to those mentor teachers that provide mentoring services to beginning teachers. For the purposes of such funding, a beginning teacher shall be defined as any teacher in any school in Mississippi that has less than one (1) year of classroom experience teaching in a public school. For the purposes of such funding, no full-time academic teacher shall mentor more than two (2) beginning teachers.

(b) To be eligible for this state funding, the individual school must have a classroom management program approved by the local school board.

(6) Effective with the 2014-2015 school year, the school districts participating in the Pilot Performance-Based Compensation System pursuant to Section 37-19-9 may award additional teacher and administrator pay based thereon.

HISTORY: Former 1972 Code § 37-19-7 [Codes, 1942, § 6248-02; Laws, 1953, Ex Sess ch. 14, § 2; Laws, 1954, ch. 269; Laws, 1955, Ex Sess ch. 55; Laws, 1958, ch. 306, § 2; Laws, 1960, ch. 295, § 2; Laws, 1962, 2d Ex Sess ch. 20; Laws, 1964, ch. 386; Laws, 1965, Ex Sess ch. 21; Laws, 1966, ch. 400, § 1; Laws, 1968, ch. 392, § 2; Laws, 1970, ch. 367, § 2; Laws, 1971, ch. 363, § 2; Laws, 1973, ch. 398, § 1; Laws, 1975, ch. 322, § 2] recodified as § 37-19-21 by Laws, 1977, ch. 486, § 11. Former 1972 Code § 37-19-5, subsections (2) and (5) [Codes, 1942, § 6248-02; Laws, 1953, Ex Sess ch. 14, § 2; Laws, 1954, ch. 269; Laws, 1955, Ex Sess ch. 55; Laws, 1958, ch. 306, § 2; Laws, 1960 ch. 295, § 2; Laws, 1962, 2d Ex Sess ch. 20, § 1; Laws, 1964, ch. 386; Laws, 1965, Ex Sess ch. 21; Laws, 1966, ch. 400, § 1; Laws, 1968, ch. 392, § 2; Laws, 1970, ch. 367, § 1; Laws, 1971, ch. 363, § 2] amended and codified as § 37-19-7 by 1977, ch. 486, § 4; Laws, 1978, ch. 513, § 4; Laws, 1979, ch. 484, § 1; Laws, 1980, ch. 509, § 1; Laws, 1981, ch. 517, § 1; Laws,

1982, Ex Sess, ch. 17, § 23; Laws, 1985, ch. 351, § 29; Laws, 1988, ch. 487, § 1; Laws, 1991, ch. 558 § 9; Laws, 1992, ch. 524, § 12; Laws, 1993, ch. 618, § 1; Laws, 1994, ch. 581, § 10; Laws, 1995, ch. 617, § 1; Laws, 1996, ch. 434, § 1; Laws, 1997, ch. 545, § 25; Laws, 1997, ch. 508, § 1; Laws, 1998, ch. 533, § 1; Laws, 1999, ch. 494, § 1; Laws, 1999, ch. 596, § 1; Laws, 2000, ch. 533, § 8; Laws 2001, 1st Ex Sess, ch. 1, § 2; Laws, 2004, ch. 546, § 1; Laws, 2006, ch. 504, § 2; Laws, 2007, ch. 523, § 1; Laws, 2008, ch. 556, § 1; reenacted without change, Laws, 2009, ch. 345, § 25; Laws, 2009, ch. 508, § 2; Laws, 2010, ch. 486, § 5; Laws, 2011, ch. 442, § 16; Laws, 2013, ch. 494, § 7; Laws, 2014, ch. 503, § 1; Laws, 2016, ch. 441, § 1, eff from and after July 1, 2016; Laws, 2019, ch. 461, § 1, eff from and after July 1, 2019; Laws, 2021, ch. 410, § 1, eff from and after July 1, 2021; Laws, 2021, ch. 413, § 1, eff from and after July 1, 2021; Laws, 2022, ch. 386, § 1, eff from and after July 1, 2022.

Joint Legislative Committee Note — Section 1 of Chapter 410, Laws of 2021, effective from and after July 1, 2021 (approved March 29, 2021, at 11:33 a.m.), amended this section. Section 1 of Chapter 413, Laws of 2021, effective from and after July 1, 2021 (approved March 29, 2021, at 4:00 p.m.), also amended this section. As set out above, this section reflects the language of Section 1 of Chapter 413, Laws of 2021, pursuant to Section 1-3-79, which provides that whenever the same section of law is amended by different bills during the same legislative session, and the effective date and the approval date of the amendments are the same, the amendment with the latest approval time supersedes all other amendments to the same section approved on an earlier date and time.

Editor's Notes — Laws of 2022, ch. 386, § 3, provides:

"SECTION 3. This act shall take effect and be in force from and after July 1, 2022, and the amendments to subparagraphs (ii), (iv) and (v) of Section 37-19-7(2)(a) in this act shall be retroactive to July 1, 2021."

Amendment Notes — The first 2021 amendment (ch. 410), in (1), in the first paragraph, substituted "public school district" for "county and separate school district" in the first sentence, inserted "AND SUBSEQUENT SCHOOL YEARS" in the heading of the 2019-2020 salary schedule table, and in the fourth paragraph, substituted "licensed employees" for "certificated employees" and made a minor stylistic change in the last sentence; in (2)(a), deleted the former last sentence of (ii), which read: "Provided, however, that the total number of licensed school nurses eligible for a salary supplement under this subparagraph (ii) shall not exceed thirty-five (35)," in (iv), deleted "or is employed by a state agency under the State Personnel Board" at the end of the first sentence, and deleted the former last sentence, which read: "However, the total number of certified academic language therapists eligible for a salary supplement under this paragraph (iv) shall not exceed twenty (20)," and added (v); in (2)(c), substituted "adequate education program" for "minimum education program" in the first sentence; in (4), substituted "licensed teachers" for "certified teachers" in the second sentence of (a), and deleted the former last sentence of (b), which read: "The State Board of Education shall develop the MPBP policies and procedures and report to the Legislature and Governor by December 1, 2006"; and in (5)(a), deleted "Beginning in the 2008-2009 school year" from the beginning."

The second 2021 amendment (ch. 413), in (1), substituted the 2021-2022 Minimum Salary Schedule for the 2019-2020 Minimum Salary Schedule; and in (2)(c)(iv), substituted "subparagraph (iv)" for "paragraph (iv)."

The 2022 amendment, in (1), effective July 1, 2022, substituted "public school district" for "county and separate school district," deleted the minimum salary schedule for 2021-2022, and added the minimum salary schedule for 2022-2023 and subsequent years, and in the last paragraph, substituted "applicable to licensed employees" for "applicable to certificated employees" and made a minor stylistic change; in (2)(a)(ii), effective July 1, 2021, deleted the former last sentence, which limited the number of

licensed school nurses eligible for a salary supplement to thirty-five; in (2)(a)(iv), effective July 1, 2021, deleted "or is employed by a state agency under the State Personnel Board" at the end of the first sentence, and deleted the former last sentence, which limited the number of certified academic language therapists eligible for a salary supplement to twenty; added (2)(a)(v), effective July 1, 2021; in (2)(c), effective July 1, 2022, substituted "adequate education program" for "minimum education program"; in (4)(a), effective July 1, 2022, substituted "licensed teachers" for "certified teachers"; in (4)(b), effective July 1, 2022, deleted the former last sentence, which required the Board of Education to develop the MPBP policies and procedures and report to the Legislature by December 1, 2006; and in (5)(a), effective July 1, 2022, deleted "Beginning in the 2008-2009 school year" at the beginning.

CHAPTER 21.

EARLY CHILDHOOD EDUCATION

Early Childhood Education Programs. 37-21-1
Early Learning Collaborative Act. 37-21-51

EARLY CHILDHOOD EDUCATION PROGRAMS

Sec.
37-21-7. Mississippi Elementary Schools Assistant Teacher Program.

§ 37-21-7. Mississippi Elementary Schools Assistant Teacher Program.

(1) This section shall be referred to as the "Mississippi Elementary Schools Assistant Teacher Program," the purpose of which shall be to provide an early childhood education program that assists in the instruction of basic skills. The State Board of Education is authorized, empowered and directed to implement a statewide system of assistant teachers in kindergarten classes and in the first, second and third grades. The assistant teacher shall assist pupils in actual instruction under the strict supervision of a licensed teacher.

(2)(a) Except as otherwise authorized under subsection (7), each school district shall employ the total number of assistant teachers funded under subsection (6) of this section. The superintendent of each district shall assign the assistant teachers to the kindergarten, first-, second- and third-grade classes in the district in a manner that will promote the maximum efficiency, as determined by the superintendent, in the instruction of skills such as verbal and linguistic skills, logical and mathematical skills, and social skills.

(b) If a licensed teacher to whom an assistant teacher has been assigned is required to be absent from the classroom, the assistant teacher may assume responsibility for the classroom in lieu of a substitute teacher. However, no assistant teacher shall assume sole responsibility of the classroom for more than three (3) consecutive school days. Further, in no event shall any assistant teacher be assigned to serve as a substitute teacher for any teacher other than the licensed teacher to whom that assistant teacher has been assigned.

(3) Assistant teachers shall have, at a minimum, a high school diploma or a High School Equivalency Diploma equivalent, and shall show demonstratable proficiency in reading and writing skills. The State Department of Education shall develop a testing procedure for assistant teacher applicants to be used in all school districts in the state.

(4)(a) In order to receive funding, each school district shall:

(i) Submit a plan on the implementation of a reading improvement program to the State Department of Education; and

(ii) Develop a plan of educational accountability and assessment of performance, including pretests and posttests, for reading in Grades 1 through 6.

(b) Additionally, each school district shall:

(i) Provide annually a mandatory preservice orientation session, using an existing in-school service day, for administrators and teachers on the effective use of assistant teachers as part of a team in the classroom setting and on the role of assistant teachers, with emphasis on program goals;

(ii) Hold periodic workshops for administrators and teachers on the effective use and supervision of assistant teachers;

(iii) Provide training annually on specific instructional skills for assistant teachers;

(iv) Annually evaluate their program in accordance with their educational accountability and assessment of performance plan; and

(v) Designate the necessary personnel to supervise and report on their program.

(5) The State Department of Education shall:

(a) Develop and assist in the implementation of a statewide uniform training module, subject to the availability of funds specifically appropriated therefor by the Legislature, which shall be used in all school districts for training administrators, teachers and assistant teachers. The module shall provide for the consolidated training of each assistant teacher and teacher to whom the assistant teacher is assigned, working together as a team, and shall require further periodic training for administrators, teachers and assistant teachers regarding the role of assistant teachers;

(b) Annually evaluate the program on the district and state level. Subject to the availability of funds specifically appropriated therefor by the Legislature, the department shall develop: (i) uniform evaluation reports, to be performed by the principal or assistant principal, to collect data for the annual overall program evaluation conducted by the department; or (ii) a program evaluation model that, at a minimum, addresses process evaluation; and

(c) Promulgate rules, regulations and such other standards deemed necessary to effectuate the purposes of this section. Noncompliance with the provisions of this section and any rules, regulations or standards adopted by the department may result in a violation of compulsory accreditation standards as established by the State Board of Education and the Commission on School Accreditation.

(6) In addition to other funds allotted under the Minimum Education or Adequate Education Program, each school district shall be allotted sufficient funding for the purpose of employing assistant teachers. No assistant teacher shall be paid less than the amount he or she received in the prior school year. No school district shall receive any funds under this section for any school year during which the aggregate amount of the local contribution to the salaries of assistant teachers by the district shall have been reduced below such amount for the previous year.

For assistant teachers, the minimum annual salary shall be as follows:

2022–2023 and Subsequent Years Minimum Salary..... $17,000.00

In addition, for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) in fiscal year 2006, as certified by the Legislative Budget Office to the State Board of Education and subject to the specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale in the appropriate year to provide an additional one percent (1%) across-the-board increase in the base salaries for assistant teachers. The State Board of Education shall revise the salaries prescribed above for assistant teachers to conform to any adjustments made in prior fiscal years due to revenue growth over and above five percent (5%). The assistant teachers shall not be restricted to working only in the grades for which the funds were allotted, but may be assigned to other classes as provided in subsection (2)(a) of this section.

(7)(a) As an alternative to employing assistant teachers, any school district may use the allotment provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the allotment for assistant teachers for the purpose of employing licensed teachers unless the district has established that the employment of licensed teachers using such funds will reduce the teacher:student ratio in the kindergarten, first-, second- and third-grade classes. All state funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3.

It is the intent of the Legislature that no school district shall dismiss any assistant teacher for the purpose of using the assistant teacher allotment to employ licensed teachers. School districts may rely only upon normal attrition to reduce the number of assistant teachers employed in that district.

(b) Districts meeting the highest levels of accreditation standards, as defined by the State Board of Education, shall be exempted from the provisions of subsection (4) of this section.

HISTORY: Laws, 1982, Ex Sess, ch. 17, § 26; Laws, 1986, ch. 500, § 19; Laws, 1988, ch. 487, § 7; Laws, 1989, ch. 429, § 1; Laws, 1992, ch. 519, § 8; Laws, 1992, ch. 524, § 14; Laws, 1993, ch. 618, § 3; Laws, 1994, ch. 581, § 13; Laws, 1995, ch. 617, § 2; Laws, 1996, ch. 452, § 1; Laws, 1997, ch. 508, § 2; Laws, 1997, ch. 612, § 20; Laws, 1999, ch. 494, § 3; Laws, 2000, ch. 330, § 1; Laws, 2000, ch. 533, § 10; Laws, 2001, 1st Ex Sess, ch. 1, § 4; Laws, 2006, ch. 417, § 9; Laws, 2007, ch. 523,

§ 2; reenacted without change, Laws, 2009, ch. 345, § 26; reenacted and amended, Laws, 2009, ch. 445, § 9; Laws, 2014, ch. 398, § 3, eff from and after July 1, 2014; Laws, 2019, ch. 461, § 2, eff from and after July 1, 2019; Laws, 2021, ch. 413, § 2, eff from and after July 1, 2021; Laws, 2022, ch. 386, § 2, eff from and after July 1, 2022.

Amendment Notes — The 2021 amendment, in (6), substituted the current second paragraph for the previous second paragraph, which read: "For the 2019-2020 school year and school years thereafter, the minimum annual salary for assistant teachers shall be Fourteen Thousand Dollars ($14,000.00)."

The 2022 amendment, in the second paragraph of (6), substituted "2022-2023 and Subsequent Years Minimum Salary...$17,000.00" for "2021-2022 Minimum Salary...$15,000.00."

EARLY LEARNING COLLABORATIVE ACT

Sec.

37-21-51. Definitions; legislative findings; Early Learning Collaborative Act of 2013; implementation of voluntary prekindergarten program; application for and use of program funds; criteria for awarding funds; funds to be appropriated on phased-in basis.

§ 37-21-51. Definitions; legislative findings; Early Learning Collaborative Act of 2013; implementation of voluntary prekindergarten program; application for and use of program funds; criteria for awarding funds; funds to be appropriated on phased-in basis.

(1) As used in this section:

(a) "Preschool or prekindergarten children" means any children who have not entered kindergarten but will have obtained four (4) years of age on or before September 1 of a school year.

(b) An "early learning collaborative" is a district or countywide council that writes and submits an application to participate in the voluntary prekindergarten program. An early learning collaborative is comprised, at a minimum, of a public school district and/or a local Head Start affiliate if in existence, private or parochial schools, or one or more licensed child care centers. Agencies or other organizations that work with young children and their families may also participate in the collaborative to provide resources and coordination even if those agencies or organizations are not prekindergarten providers.

(c) A "prekindergarten provider" is a public, private or parochial school, licensed child care center or Head Start center that serves prekindergarten children and participates in the voluntary prekindergarten program.

(d) A "lead partner" is a public school district or other nonprofit entity with the instructional expertise and operational capacity to manage the early learning collaborative's prekindergarten program as described in the collaborative's approved application for funds. The lead partner serves as the fiscal agent for the collaborative and shall disburse awarded funds in

accordance with the collaborative's approved application. The lead partner must facilitate a professional learning community for the teachers in the prekindergarten program and lead the collaborative. The lead partner ensures that the collaborative adopts and implements curriculum and assessments that align with the comprehensive early learning standards. The public school district shall be the lead partner if no other qualifying lead partner is selected.

(e) "Comprehensive early learning standards" are standards adopted by the State Board of Education that address the highest level of fundamental domains of early learning to include, but not be limited to, physical well-being and motor development, social/emotional development, approaches toward learning, language development and cognition and general knowledge. The comprehensive early learning standards shall also include standards for emergent literacy skills, including oral communication, knowledge of print and letters, phonological and phonemic awareness, and vocabulary and comprehension development.

(f) An evidence-based curriculum is an age-appropriate curriculum that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on:

(i) Strong evidence from at least one (1) well-designed and well-implemented experimental study;

(ii) Moderate evidence from at least one (1) well-designed and well-implemented quasi-experimental study; or

(iii) Promising evidence from at least one (1) well-designed and well-implemented correlational study with statistical controls for selection bias.

(2) To ensure that all children have access to quality early childhood education and development services, the Legislature finds and declares the following:

(a) Parents have the primary duty to educate their young preschool children;

(b) The State of Mississippi can assist and educate parents in their role as the primary caregivers and educators of young preschool children;

(c) There is a need to explore innovative approaches and strategies for aiding parents and families in the education and development of young preschool children; and

(d) There exists a patchwork of prekindergarten entities but no coordination of services and there needs to be a coordination of these services.

(3)(a) This subsection shall be known and may be cited as the "Early Learning Collaborative Act of 2013."

(b) Effective with the 2013-2014 school year, the Mississippi State Department of Education shall establish a voluntary prekindergarten program, which shall be a collaboration among the entities providing prekindergarten programs including Head Start, licensed child care facilities and licensed public, parochial and private school prekindergarten programs. This program shall be implemented no later than the 2014-2015 school year.

Enrollment in the prekindergarten program shall be coordinated with the Head Start agencies in the local areas and shall not be permitted to cause a reduction in children served by the Head Start program. Under this program, eligible entities may submit an application for funds to (i) defray the cost of additional and/or more qualified teaching staff, appropriate educational materials and equipment and to improve the quality of educational experiences offered to four-year-old children in early care and education programs, and/or to (ii) extend developmentally appropriate education services at such programs currently serving four-year-old children to include practices of high quality instruction, and to (iii) administer, implement, monitor and evaluate the programs, and to (iv) defray the cost of professional development and age-appropriate child assessment.

(c) Subject to the availability of funds appropriated therefor, the State Department of Education shall administer the implementation, monitoring and evaluation of the voluntary prekindergarten program, including awards and the application process.

(i) The department shall establish a rigorous and transparent application process for the awarding of funds. Lead partners shall submit the applications on behalf of their early learning collaborative.

(ii) The department will establish monitoring policies and procedures that, at a minimum, will include at least one (1) site visit a year.

(iii) The department will provide technical assistance to collaboratives and their providers to improve the quality of prekindergarten programs. Technical assistance may include classroom-embedded support for teachers and assistant teachers.

(iv) The department will evaluate the effectiveness of each early childhood collaborative and each prekindergarten provider. If the State Department of Education adopts a statewide kindergarten screening that assesses the readiness of each student for kindergarten, the State Department of Education shall adopt a minimum rate of readiness that each prekindergarten provider must meet in order to remain eligible for prekindergarten program funds. Each parent who enrolls his or her child in the prekindergarten program must submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school.

(d) Prekindergarten program funds shall be awarded to early childhood collaboratives whose proposed programs meet the program criteria. The criteria shall include:

(i) Voluntary enrollment of children;

(ii) Collaboration among prekindergarten providers and other early childhood programs through the establishment of an early learning collaborative;

(iii) Qualifications of master teachers, teachers and assistants, which must conform to guidelines in Section 37-21-3;

(iv) At least fifteen (15) hours of annual professional development for program instructional staff, including professional development in early

literacy, and individualized professional development plans for all teachers and teaching assistants supplemented by classroom-embedded support on an as-needed basis;

(v) The use of state-adopted comprehensive early learning standards;

(vi) The use of a curriculum based on strong evidence as defined in subsection (1)(f)(i) of this section and aligned with the comprehensive early learning standards;

(vii) The use of a curriculum based on moderate evidence as defined in subsection (1)(f)(ii) of this section and aligned with the comprehensive early learning standards if no strong-evidence curriculum is available;

(viii) The use of a curriculum based on promising evidence as defined in subsection (1)(f)(iii) of this section and aligned with the comprehensive early learning standards if no strong-evidence curriculum or moderate-evidence curriculum is available;

(ix) The use of age-appropriate assessments aligned to the comprehensive early learning standards;

(x) Teacher/child ratios of one (1) adult for every ten (10) children with a maximum of twenty (20) children per classroom and a minimum of five (5) children per classroom;

(xi) The provision of at least one (1) meal meeting state and federal nutrition guidelines for young children;

(xii) Plans to screen and/or refer children for vision, hearing and other health issues;

(xiii) Family engagement opportunities;

(xiv) Plans to serve children with disabilities as indicated under IDEA;

(xv) The number of instructional hours to be provided, which shall equal no less than five hundred forty (540) instructional hours per school year for half-day programs and one thousand eighty (1,080) instructional hours per school year for full-day programs; and

(xvi) A budget detailing the use of funds for allowed expenses.

Participating child care centers shall: (a) meet state child care facility licensure requirements unless exempted under Section 43-20-5, Mississippi Code of 1972, and (b) select and utilize a nationally recognized assessment tool, approved by the State Department of Education, designed to document classroom quality, which must be in place not later than July 1, 2016, as certified by the State Department of Education.

Within the prekindergarten program, a prekindergarten provider must comply with the antidiscrimination requirements applicable to public schools. A prekindergarten provider may not discriminate against a parent or child, including the refusal to admit a child for enrollment in the prekindergarten program, in violation of these antidiscrimination requirements. However, a prekindergarten provider may refuse to admit a child based on the provider's standard eligibility guidelines, provided that these guidelines do not violate the antidiscrimination requirements. Consistent with the Legislature's recognition of the primacy of a parent's role in the

education of a preschool-age child and the related recognition of the state in assisting and educating parents in that role, if the State Department of Education adopts a statewide kindergarten screening that assesses the readiness of each student for kindergarten, the State Department of Education shall recognize each child's unique pattern of development when adopting a minimum rate of readiness that prekindergarten providers must meet in order to remain eligible for prekindergarten program funds. Each parent who enrolls his or her child in the prekindergarten program may submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school.

The State Department of Education may add program criteria not inconsistent with these requirements and shall develop policies and procedures to implement and enforce these criteria.

(e) The State Department of Education shall ensure that early learning collaboratives provide each parent enrolling a child in the voluntary prekindergarten program with a profile of every prekindergarten provider participating in the collaborative's geographic catchment area. The State Department of Education shall prescribe the information to be included in each profile as well as the format of the profiles. At a minimum, the profiles must include the prekindergarten provider's services, curriculum, instructor credentials and instructor-to-student ratio.

(f) A teacher, assistant teacher or other employee whose salary and fringe benefits are paid from state funds under this act shall only be classified as a state or local school district employee eligible for state health insurance benefits or membership in the Public Employees' Retirement System, if the person's employer is already an agency or instrumentality of the state, such as a school district, and the employee would be eligible for such benefits in the normal course of business.

(g) Funding shall be provided for this program beginning with the 2014 fiscal year subject to appropriation by the Legislature as provided in paragraph (h) of this subsection. The department shall make an annual report to the Legislature and the Governor regarding program operations and outcomes. Every three (3) years, with the first report due July 1, 2023, the department shall provide to the Legislature and the Governor a rigorous evaluation of program effectiveness using longitudinal data to measure short-term and long-term effects, including both achievement and non-achievement effects. After each three-year report, the PEER Committee shall review the three-year report and the intervening annual reports and submit an independent summary of its findings prior to the next legislative session.

(h)(i) The Legislature shall appropriate funds to implement the Early Education Collaborative Act of 2013 on a phased-in basis as follows:

1. The first phase shall be based on an annual state appropriation of not more than Eight Million Dollars ($8,000,000.00) and shall serve approximately three thousand five hundred (3,500) children through five (5) to eight (8) early learning collaboratives and their prekindergarten providers;

2. The second phase shall be based on an annual state appropriation of not more than Sixteen Million Dollars ($16,000,000.00) and shall serve approximately seven thousand (7,000) children through ten (10) to fifteen (15) early learning collaboratives and their prekindergarten providers;

3. The third phase shall be based on an annual state appropriation of not more than Thirty-three Million Nine Hundred Fifty Thousand Dollars ($33,950,000.00) and shall serve approximately fifteen thousand (15,000) children through twenty (20) to twenty-five (25) early learning collaboratives and their prekindergarten providers.

(ii) Future phases shall be based on interest in the program and the effectiveness of the program as determined by the school readiness of participants. Each phase shall last for at least three (3) years but no more than five (5) years. The State Department of Education shall determine when to move to a new phase of the program, within the timeline provided herein.

(iii) Funding shall be provided to early learning collaboratives on the basis of Two Thousand One Hundred Fifty Dollars ($2,150.00) per student in a full-day program per student in a full-day program and One Thousand Seventy-five Dollars ($1,075.00) per student in a half-day program proposed in the collaborative's approved application. Once an early learning collaborative's plan is approved and funded, the collaborative and/or its prekindergarten providers shall receive funds on an ongoing basis unless the collaborative and/or its prekindergarten providers no longer meet the criteria to participate in the program.

(iv) Early learning collaboratives shall match state funds on a 1:1 basis. Local matching funds may include local tax dollars, federal dollars as allowed, parent tuition, philanthropic contributions, or in-kind donations of facilities, equipment and services required as part of the program such as food service or health screenings.

(v) The State Department of Education shall reserve no more than five percent (5%) of the appropriation in any year for administrative costs. Funds remaining after awards to early learning collaboratives and the department's administrative needs are met may be carried over in the following year. In the first year of implementation of the program, the department may delay the awarding of funds until the 2014-2015 school year should time not be sufficient to establish the program's operation prior to the 2013-2014 school year.

(vi) In the initial phase of implementation, the State Department of Education shall award state funds under the Early Learning Collaborative Act of 2013 based on a community's capacity, commitment and need. To determine capacity, commitment and need, the State Department of Education shall require evidence of existing strong local collaborations of early education stakeholders. Such evidence shall include, but not be limited to, collaborations resulting from any of the following:

1. Participation in Excel By 5;

2. Participation in supporting Partnerships to Assure Ready Kids (SPARK);

3. Participation in the Gilmore Early Learning Initiative (GELI); or

4. Participation in the Mississippi Building Blocks.

In determining community need, the department shall consider low academic achievement within the public school districts participating in an applicant early learning collaborative and the number and percentage of children without quality prekindergarten options.

(vii) All authority granted to the State Department of Education to establish program rules is subject to the public processes established in the provisions of the Mississippi Administrative Procedures Law, including, but not limited to, filing notice of the proposed rules, public hearings and any economic impact statement with the Office of the Secretary of State before presenting such information to the State Board of Education for final approval.

HISTORY: Laws, 2000, ch. 510, § 1; Laws, 2007, ch. 440, § 1; reenacted and amended, Laws, 2009, ch. 345, § 27; Laws, 2013, ch. 493, § 1, eff from and after July 1, 2013; Laws, 2021, ch. 411, § 1, eff from and after July 1, 2021.

Amendment Notes — The 2021 amendment, in (1), rewrote (f), which read: "A "research-based curriculum" is an age-appropriate curriculum that is based on the findings of current research and has been found to be effective in improving student learning," and added (f)(i) through (iii); in (3)(c)(iii), added the last sentence; in (3)(d), added "and individualized professional development plans...on an as-needed basis" at the end of (iv), rewrote (vi), which read: "The use of a research-based curriculum that is designed to prepare students to be ready for kindergarten, with emphasis in early literacy, and is aligned with the comprehensive early learning standards," added (vii) and (viii), redesignated former (vii) through (xiv) as (ix) through (xvi), and rewrote (xiii), which read: "Parent involvement opportunities"; and in (3)(g), rewrote the former second and third sentences, which read: "The department shall make an annual report to the Legislature and the Governor regarding the effectiveness of the program. The PEER Committee shall review those reports and other program data and submit an independent evaluation of program operation and effectiveness to the Legislature and the Governor on or before October 1 of the calendar year before the beginning of the next phased-in period of funding," and added the last two sentences. "

CHAPTER 23.

EXCEPTIONAL CHILDREN

State-Supported College and University Education Programs for Special Children. 37-23-31

STATE-SUPPORTED COLLEGE AND UNIVERSITY EDUCATION PROGRAMS FOR SPECIAL CHILDREN

Sec.

37-23-31. Establishment of education program for children with significant developmental disabilities, complex communication needs, significant language or learning deficits or any combination thereof; rights of parents or guardians regarding placement or education programs.

Sec.
37-23-33. Powers and duties of board and department of education; who may serve as lead teacher for children enrolled in university- or college-based program.
37-23-35. Payment for education of students attending program.

§ 37-23-31. Establishment of education program for children with significant developmental disabilities, complex communication needs, significant language or learning deficits or any combination thereof; rights of parents or guardians regarding placement or education programs.

(1)(a) When five (5) or more children under twenty-one (21) years of age who, because of significant developmental disabilities, complex communication needs, significant language or learning deficits or any combination of either, are unable to have their educational needs met appropriately in a regular or special education public school program within their local public school districts, a state-supported university or college shall be authorized and empowered, in its discretion, to provide a program of education, instruction and training to such children, provided that such program shall operate under rules, regulations, policies and standards adopted by the State Department of Education, as provided for in Section 37-23-33. The opinion of a parent or guardian in regard to the provision of an appropriate special education program in or by their respective local public school district shall be considered before a placement decision is finalized. Parents of students enrolled in a local education agency (LEA) shall have any and all rights as provided in the Individuals with Disabilities Education Act, including, but not limited to, the right to equal participation in their child's Individualized Education Program (IEP), the right to require review of their child's IEP, and the right to appeal an IEP Committee decision immediately. The parent or guardian or local educational agency shall have the right to audio record the proceedings of individualized education program team meetings. The parent or guardian or local educational agency shall notify the members of the individualized education program team of his, her, or its intent to audio record a meeting at least twenty-four (24) hours prior to the meeting.

(b) Instructors, including speech-language pathologists, educational audiologists and special and early childhood educators are qualified and empowered to serve as the lead teacher for children enrolled within the state-supported university's or college's university-based program (UBP) through the IDEA-Part C and IDEA-Part B eligibility and placement process upon completing instructional licensure requirements for the purposes of funding MAEP special education teacher units.

(c) Due to the significance of the needs of the children served through the UBP, general education setting requirements may not be applicable as the least restrictive environment. Students enrolled in a UBP by a LEA shall

meet all state educational requirements, including participation in statewide assessments. Justification for placement decisions is determined in conjunction with the LEA through each child's IEP for ages three (3) to twenty-one (21). The UBP shall submit to the local education agency and the parents of the student in the program a progress report each semester on all IEP goals and objectives. The UBP and local education agency shall confer annually to develop the IEP for each student enrolled in the UBP.

(2) Any state-supported university or college conducting a full-time medical teaching program acceptable to the State Board of Education may, at its discretion, enter into such contracts or agreements with any private school or nonprofit corporation-supported institution, the Mississippi School for the Deaf, or any state-supported institution, providing the special education contemplated by this section for such services, provided the private school or institution offering such services shall have conducted a program of such services at standards acceptable to the State Department of Education for a period of at least one (1) year prior to the date at which the university or college proposes to enter into an agreement or contract for special educational services as described above.

HISTORY: Codes, 1942, § 6631-21; Laws, 1966, ch. 430, § 1; Laws, 1978, ch. 461, § 5; Laws, 1995, ch. 574, § 1, eff July 1, 1995; Laws, 2012, ch. 548, § 2, eff from and after July 1, 2012; Laws, 2022, ch. 404, § 1, eff from and after July 1, 2022.

Amendment Notes — The 2022 amendment redesignated former (1) as (1)(a), and therein substituted "because of significant developmental disabilities, complex communication needs, significant language or learning deficits or any combination of either, are unable to have their educational needs met appropriately in a regular or special education public school program within their local public school districts" for "because of deafness, aphasia, emotional disturbance and/or other low-incidence conditions, are unable to have their educational needs met in a regular public school program, and a special education program in their particular areas of exceptionality is not available in their respective local public school districts" in the first sentence and inserted "of students enrolled in a local education agency (LEA)" in the third sentence; and added (1)(b) and (c).

§ 37-23-33. Powers and duties of board and department of education; who may serve as lead teacher for children enrolled in university- or college-based program.

(1) Such program of education, instruction and training as is provided for in Section 37-23-31 shall be furnished in such manner as shall be provided by rules and regulations adopted by the State Board of Education, which for such purposes shall have the full power to adopt such rules, regulations, policies and standards as it may deem necessary to carry out the purpose of Sections 37-23-31 through 37-23-35, including the establishment of qualifications consistent with the requirements of subsection (2) of this section for any teachers employed under the provisions thereof. It is expressly provided, however, that no program of education, instruction and training shall be

furnished except in a university or college supported by the State of Mississippi and only in cases where such university or college shall consent thereto and shall provide any classroom space, furniture and facilities which may be deemed necessary in carrying out the provisions of those sections.

(2) Speech-language pathologists, educational audiologists, and special and early childhood educators are qualified and authorized to serve as the lead teacher for children enrolled in a university or college-based program through the IDEA-Part C and IDEA-Part B eligibility and placement process. Whenever communication is a primary area of concern on a child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP), a speech-language pathologist or educational audiologist may serve as the lead instructor with an educator serving as a related service provider as necessary to meet the educational needs of the child. Speech-language pathologists and educational audiologists must undergo extensive college coursework in communication-based disorders impacting multiple areas of development, including cognition. The content of the college coursework must include typical and atypical development for ages birth through death. In addition to completing the college coursework, these instructional providers must meet all instructional licensure requirements as set forth by the State Department of Education for the purpose of funding MAEP special education teacher units.

(3) The State Department of Education through its general supervision responsibilities set forth by the Office of Special Education Programs at the United States Department of Education, shall require that the program of education, instruction and training be designed to provide individualized appropriate special education and related services that enable a child to reach his or her appropriate and uniquely designed goals for success.

(4) A university- or college-based program must submit all reports and data required by the State Department of Education on the same or similar time schedule and in the same or similar manner that same or similar reports and data must be submitted to the department by local educational agencies.

HISTORY: Codes, 1942, § 6631-22; Laws, 1966, ch. 430, § 2; Laws, 1995, ch. 572, § 3, eff from and after July 1, 1995; Laws, 2022, ch. 404, § 2, eff from and after July 1, 2022.

Amendment Notes — The 2022 amendment designated the former provisions as (1) and (3); in (1), substituted "consistent with the requirements of subsection (2) of this section for" for "of"; added (2) and (4); and in (3), inserted "through its general supervision responsibilities set forth by the Office of Special Education Programs at the United States Department of Education".

§ 37-23-35. Payment for education of students attending program.

(1) When any children who are residents of the State of Mississippi and qualify under the provisions of Section 37-23-31, are provided a program of education, instruction and training within a school under the provisions of Section 37-23-31, the State Department of Education shall allocate one

(1)teacher unit for each approved class. The allocation of funds for each teacher unit shall be based on the teacher's certification and shall be in accordance with Section 37-19-7. The department shall complete provisional teacher unit approval for university or college-based programs at the same time teacher units are approved for local educational agencies. The university or college shall be eligible for state and federal funds for such programs in accordance with IDEA. The university or college shall be responsible for providing for the additional costs of the program.

(2) IDEA-Part B and preschool allocations for each LEA shall be determined and calculated by the State Department of Education with notification provided to the UBP of the total amount of funds being distributed to the LEA. The LEA and UBP shall enter into a collaborative agreement that describes the services provided and the funds required for such services.

(3) State funds for transportation, extended school year and teacher unit allocations, including National Board Certification/Speech-Language Pathology Supplements, shall be distributed by the State Department of Education directly to the state-supported university or college for students placed either through the Individualized Education Program (IEP) process or who are parentally placed. The university-based program (UBP) shall submit this information directly to the State Department of Education.

HISTORY: Codes, 1942, § 6631-23; Laws, 1966, ch. 430, § 3; Laws, 1978, ch. 461, § 6; Laws, 1988, ch. 423, eff from and after July 1, 1988; Laws, 2022, ch. 404, § 3, eff from and after July 1, 2022.

Amendment Notes — The 2022 amendment designated the former section as (1), and therein, in the first sentence, substituted "are provided a program" for "shall be provided a program" and "Section 37-23-31, the State Department" for "said section, the State Department," in the second sentence, substituted "Section 37-19-7" for "Sections 37-19-1 through 37-19-41 of the code" at the end, added the third sentence, and in the next-to-last sentence, substituted "programs in accordance with IDEA" for "programs on the same basis as local school districts"; and added (2) and (3).

CHAPTER 28.

MISSISSIPPI CHARTER SCHOOLS ACT OF 2013

Sec.
37-28-63. Repealed.

§ 37-28-63. Repealed.

Repealed by Laws, 2016, ch. 420, § 11, effective July 1, 2016.
§ 37-28-63. [Laws, 2013, ch. 497, § 93, eff from and after July 1, 2013.]

Editor's Notes — This section is set out above to correct an error in the repealing act information as it appeared in the 2019 Replacement Volume 10.

CHAPTER 29.

JUNIOR COLLEGES

2022 Community and Junior Colleges Capital Improvements Fund. 37-29-321

2022 COMMUNITY AND JUNIOR COLLEGES CAPITAL IMPROVEMENTS FUND

Sec.
37-29-321. 2022 Community and Junior Colleges Capital Improvements Fund created; use of monies.

§ 37-29-321. 2022 Community and Junior Colleges Capital Improvements Fund created; use of monies.

(a)(i) A special fund, to be designated as the "2022 Community and Junior Colleges Capital Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund. Monies in the fund may not be used or expended for any purpose except as authorized under this section.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of acquisition of real property, construction of new facilities, equipping and furnishing facilities, including furniture and technology equipment and infrastructure, and addition to or renovation of existing facilities for community and junior college campuses as recommended by the Mississippi Community College Board. The amount to be expended at each community and junior college is as follows:

Coahoma	$ 1,570,500.00
Copiah-Lincoln	1,840,500.00
East Central	1,735,500.00
East Mississippi	2,015,500.00
Hinds	3,780,500.00
Holmes	2,656,500.00
Itawamba	2,415,500.00
Jones	2,295,500.00
Meridian	1,840,500.00

Mississippi Delta	1,655,500.00
Mississippi Gulf Coast	3,357,500.00
Northeast Mississippi	2,145,500.00
Northwest Mississippi	3,500,000.00
Pearl River	2,545,500.00
Southwest Mississippi	1,645,500.00
GRAND TOTAL	**$35,000,000.00**

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this section. If any monies in such special fund are not used within four (4) years after the date funds are transferred under Section 2 of this act from the Capital Expense Fund created in Section 27-103-303, Mississippi Code of 1972, into the special fund, then the community college or junior college for which any such monies are allocated under paragraph (a) of this section shall provide an accounting of such unused monies to the Department of Finance and Administration.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

HISTORY: Laws, 2022, ch. 510, § 21, eff from and after July 1, 2022.

Editor's Notes — Laws of 2022, ch. 510, § 2, effective July 1, 2022, provides:
"SECTION 2. Upon the effective date of this act, the State Fiscal Officer shall transfer the sum of Thirty-five Million Dollars ($35,000,000.00) from the Capital Expense Fund created in Section 27-103-303, Mississippi Code of 1972, to the 2022 Community and Junior Colleges Capital Improvements Fund created in Section 21 of this act."